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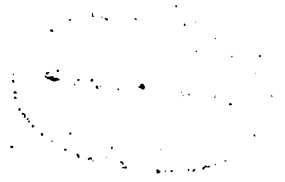
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1871-1872



Acts and Resolutions
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA

1897

COMPILED AND PUBLISHED BY AUTHORITY



ATLANTA, GEORGIA :
GEO. W. HARRISON, STATE PRINTER.
(Franklin Printing and Publishing Company.)
1898.

GEO. W. HARRISON, STATE PRINTER, Atlanta, Ga.

L 3914

1912

Y9A98L1 0809

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STATUTES OF GEORGIA

PASSED BY THE

GENERAL ASSEMBLY

OF 1897.

Part I.—Public Laws.

TITLE I.

APPROPRIATIONS.

ACTS.

For Mileage of Members and Officers at extra session of Legislature.
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For Textile Department in the State Technological School.
For Services of School Book Commission.
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For Boiler House at the Georgia School for Deaf.
For Repairs of County Maps in Office of Secretary of State.
For Pensions of Indigent Soldiers for 1898.

TO PAY MILEAGE OF LEGISLATURE AT EXTRA SESSION FEB. 3, 1897.

No. 270.

An Act to appropriate five thousand seven hundred and eighty-one dollars and six cents (\$5,781.06) to reimburse the Treasurer of this State for money advanced to the Legislature to pay its mileage at the extra session of February 3, 1897, such advance having been authorized by resolution approved February 4, 1897.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of

To Pay Expenses of Investigating Committee.

Mileage of members and officers of Legislature at extra session.

the same, That the sum of five thousand seven hundred and eighty-one dollars and six cents (\$5,781.06) be, and the same is, hereby appropriated to pay the mileage of the members, chaplains, doorkeepers, assistant doorkeepers and messengers and postmistress of the General Assembly in their attendance upon the February session, as per resolution approved February 4, 1897, authorizing the Treasurer to advance same, and the Governor is hereby authorized and required to draw his warrant for the sum mentioned on any money in the Treasury, not otherwise appropriated, on presentation to him by the Treasurer of satisfactory vouchers therefor.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

TO PAY EXPENSES OF INVESTIGATING COMMITTEE.

No. 380.

An Act to appropriate four thousand nine hundred and seventeen dollars and forty-three cents (\$4,917.43) to reimburse the Treasurer of this State for money advanced to pay the expenses incurred by the Legislative Committee appointed to investigate charges of official misconduct against Judges Sweat and Reese, the same having been authorized by resolution approved February 4, 1897. Also the sum of one hundred and four dollars and seventy-six cents (\$104.76) to pay actual expenses and per diem of Senator W. Y. Carter, incurred by him during said session.

Expenses of committee to investigate charges against certain judges.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the sum of four thousand nine hundred and seventeen dollars and forty-three cents (\$4,917.43) be, and the same is, hereby appropriated to pay the expenses incurred by the Legislative Committee appointed to investigate the charges of official misconduct against Judges Sweat and Reese, as per resolution approved February 4, 1897, authorizing the Treasurer to make such advance, and the Governor is hereby authorized and required to draw his warrant for the sum men-

 For Textile Department in the Technological School.

tioned on any money in the Treasury not otherwise appropriated, on presentation to him by the Treasurer of the proper vouchers thereof. And that there shall be paid to Senator W. Y. Carter the sum of one hundred and four dollars and seventy-six cents (104.76), balance due him as per itemized account hereto attached, for per diem, mileage and other expenses incurred by him during the investigation committee's session in January, 1897.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

 FOR TEXTILE DEPARTMENT IN THE TECHNOLOGICAL SCHOOL.

No. 374.

An Act to appropriate \$10,000.00 to the Trustees of the University of Georgia for the establishment of a Textile Department in the State Technological School, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the sum of ten thousand dollars (\$10,000.00) be, and the same is, hereby appropriated to the Board of Trustees of the University of Georgia, to be used for the establishment of a Textile Department in connection with the State Technological School, at Atlanta, Georgia, for the education of students in matters usually taught in other textile schools; *provided*, that this appropriation shall not become available until ten thousand dollars, in money or equipment, is donated by private individuals or others.

Sec. 2. Be it further enacted by the authority aforesaid, That said money shall be expended under the direction and supervision of the Local Board of Trustees of said State Technological School, and an itemized statement shall be furnished to the Governor, showing the disposition of the same.

Sec. 3. Be it further enacted by the authority aforesaid, That said Local Board shall have authority to prescribe rules and regulations for the said textile school; to provide necessary professors and instructors therein, and generally to do whatever

\$10,000.00
appropriated to establish
Textile Department in
Technological school.

How expended.

Textile Department, how governed.

To Pay School Book Commission.—To Erect Fire Walls and Water Cistern at Lunatic Asylum.

may be necessary to make effectual the purposes of this appropriation. The students in said school shall be entitled to all the privileges and benefits of the classes in the said Technological School, but the shop course in the Mechanical Department shall not be compulsory on them.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

TO PAY SCHOOL BOOK COMMISSION.

No. 362.

An Act to appropriate three hundred and twenty dollars to pay the members of the School Book Commission.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That the Governor is hereby authorized to pay T. D. Tinsley, H. R. Goetchius, W. B. Merritt and J. C. Beauchamp the sum of eighty dollars each, or so much thereof as may be necessary to pay for their services as members of the School Book Commission; *provided*, said amount be paid said Commissioners on an itemized account audited by the Comptroller-General and approved by the Governor.

\$80.00 to
each mem-
ber of
School
Book Com-
mission.

How paid.

Sec. 2. Be it further enacted, That all laws or parts of laws in conflict with this Act are hereby repealed.

Approved December 21, 1897.

TO ERECT FIRE WALLS AND WATER CISTERN AT LUNATIC ASYLUM.

No. 368.

An Act to appropriate the sum of thirty-four hundred dollars (\$3,400.00) to be used in erecting necessary fire walls and a water cistern for the Lunatic Asylum.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the

Georgia School for Deaf, Boiler House for.

same, That the sum of thirty-four hundred dollars (\$3,400.00) is hereby appropriated to be used in erecting fire walls and a water cistern for the Lunatic Asylum.

\$3,400.00 to erect fire walls and water cistern for lunatic asylum.

Sec. 2. Be it further enacted by authority of the same, That said sum of money, or so much thereof as may be necessary, be drawn from the Treasury in the manner prescribed by the General Appropriation Act, approved December 24, 1896, so far as the same relates to the appropriation for the Lunatic Asylum.

How drawn

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.
Approved December 21, 1897.

GEORGIA SCHOOL FOR DEAF, BOILER HOUSE FOR.

No. 370.

An Act to appropriate the sum of one thousand dollars for the purpose of erecting a boiler house for the protection of property at the Georgia School for the Deaf at Cave Spring, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated for the purpose of building a boiler house at the Georgia School for the Deaf, at Cave Spring, for the protection and preservation of the public property located at said institution or school.

\$1,000 for boiler house for Ga. School for the Deaf.

Sec. 2. Be it further enacted, That the Governor is authorized to draw his warrant payable to the Board of Trustees of said school, for the purpose of carrying out the provisions of this Act.

How paid

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

FOR REPAIR OF COUNTY MAPS.

No. 202.

An Act to appropriate one thousand (\$1,000) dollars, or so much thereof as may be necessary, to repair worn and mutilated county maps and to replace wornout maps in the office of the Secretary of State, and for other purposes.

County
maps, re-
pair of.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met and it is hereby enacted, That the sum of one thousand (\$1,000) dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purpose of repairing and replacing mutilated and wornout county maps in the office of the Secretary of State.

Printing
Commis-
sion to
superin-
tend and
contract.

Sec. 2. Be it further enacted, That the work contemplated in this Act shall be done under the supervision of the Commission of Public Printing, who shall as soon as this appropriation is available contract with some competent engineer or engineers to do the work, having due regard to economy, professional skill and the ability of the bidder to execute the work in a satisfactory manner.

Payment
for work.

Sec. 3. Be it further enacted, That as the work progresses, His Excellency the Governor may, and it shall be his duty, upon the recommendation of the Commission of Public Printing, to draw his warrant on the Treasury, from time to time, in favor of the contractor for such amount as may be due him for work completed in a manner satisfactory to said Commission.

Repealing
clause.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 8, 1897.

To Pay Pensions for 1898.

TO PAY PENSIONS FOR 1898.

No. 378.

An Act to make an appropriation for payment of pensions to indigent soldiers for the year 1898, in addition to the sum heretofore appropriated for said year by Act approved December 24, 1896, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That in addition to the sum heretofore appropriated by the Act of December 24, 1896, for the payment of pension of indigent soldiers the other and further sum of forty thousand dollars is hereby appropriated for payment of said pensions for the year of 1898, aggregating and making a total of one hundred and ninety thousand dollars for said year. Additional appropriation to pay pensions.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 21, 1897.

For Election of Judges of Superior Courts and Solicitors-General by the People.

TITLE II.

CONSTITUTION, AMENDMENT OF.

ACT.

For election of Judges of Superior Courts and Solicitors-General by the people.

ELECTION OF JUDGES OF THE SUPERIOR COURTS AND SOLICITORS-GENERAL BY THE PEOPLE.

No. 345.

An Act to amend paragraphs 2 and 3 of section 3 of article 6, and paragraph 1 of section 11 of article 6, of the Constitution of this State, so as to provide for the election of Judges of the Superior Courts and Solicitors-General by the electors of the whole State.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That paragraph 2 of section 3 of article 6 of the Constitution of this State be amended so that the same shall read as follows, to wit: "The successors to the present and subsequent incumbents shall be elected by the electors, entitled to vote for members of the General Assembly of the whole State, at the general election held for such members, next preceding the expiration of their respective terms; *provided*, that the successors for all incumbents whose terms expire on or before the first day of January, 1899, shall be elected by the General Assembly at its session for 1898, for the full term of four years."

Constitution, Par. 2 of Sec. 3 of Art. 6 amended.
Judges, election of by electors of whole State.

After January 1, 1899.

Par. 3 of Sec. 3 of Art. 6 amended.

Sec. 2. Be it further enacted by the authority aforesaid, That paragraph 3 of section 3 of article 6 of the Constitution of this State, be amended so that said paragraph shall read as

For Election of Judges of Superior Courts and Solicitors-General by the People.

follows, to wit: "The terms of the judges to be elected under the Constitution (except to fill vacancies) shall begin on the first day of January after their election. Every vacancy occasioned by death, resignation or other causes shall be filled by appointments of the Governor until the first day of January after the general election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected."

Terms begin, when.

Vacancies, how filled.

Sec. 3. Be it further enacted by the authority aforesaid, That paragraph 1 of section 11 of article 6 of the Constitution of this State, be amended so that the same shall read as follows, to wit: "There shall be a Solicitor-General for each judicial circuit, whose official term (except to fill a vacancy) shall be four years. The successors of present and subsequent incumbents shall be elected by the electors of the whole State, qualified to vote for members of the General Assembly, at the general election held next preceding the expiration of their respective terms. Every vacancy occasioned by death, resignation or other cause, shall be filled by appointment of the Governor until the first day of January after the general election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected; *provided*, that the successors for all incumbents whose terms expire on or before the first day of January, 1899, shall be elected by the General Assembly at its session for 1898, for the full term of four years."

Par. 1 of Sec. 11 of Art. 6 amended.

Solicitors-General, term of.

Elected by electors of whole State

Vacancies how filled.

After January 1, 1899.

Sec. 4. Be it further enacted by authority aforesaid, That whenever the above proposed amendments to the Constitution shall be agreed to by two-thirds of the members elected to each of the two houses of the General Assembly, the Governor shall, and he is hereby authorized and instructed to cause said amendments to be published in at least two newspapers in each Congressional district in this State for the period of two months next preceding the time for holding the next general election.

Publication of proposed amendments.

Sec. 5. Be it further enacted by the authority aforesaid, That the above proposed amendments shall be submitted for ratification or rejection of the electors of this State at the next general election to be held after publication, as provided for in the fourth section of this Act, in the several districts of this State; at which election every person shall be qualified to vote who is entitled to vote for members of the General Assembly. All persons voting at said election in favor of adopting the

Submission to people.

For Election of Judges of Superior Courts and Solicitors-General by the People.

Ballots.

proposed amendments, or either of them, to the Constitution of this State, shall have written or printed on their ballots the words: "For ratification of the amendment of paragraph 2 of section 3, article 6 of the Constitution" (for election of Judges of Superior Courts by the people), "For ratification of amendment of paragraph 3 of section 3 of article 6 of the Constitution" (for election of Judges of the Superior Courts by the people), "For ratification of amendment of paragraph 1 of section 11 of article 6 of the Constitution" (for election of Solicitors-General by the people). And all persons opposed to adoption of said amendments, or either of them, shall have written or printed on their ballots the words: "Against the ratification of amendment of paragraph 2 of section 3 of article 6 of the Constitution" (against election of Judges of Superior Courts by the people), "Against ratification of the amendment of paragraph 3 of section 3 of article 6 of the Constitution" (against election of Judges of Superior Courts by the people), "Against ratification of amendment of paragraph 1 of section 11 of article 6 of the Constitution" (against the election of Solicitors-General by the people).

Proclamation of result.

Sec. 6. Be it further enacted by the authority aforesaid. That the Governor be, and he is, hereby authorized and directed to provide for the submission of the foregoing proposed amendments to the Constitution of this State to a vote of the people as required by the Constitution of this State in paragraph 1 of section 1 of article 13, and by this Act; and if either be ratified, the Governor shall, when he ascertains such ratification from the Secretary of State, to whom the returns shall be referred in the same manner as in case of elections for members of the General Assembly, to count and ascertain the result, issue his proclamation, for one insertion, in one of the daily papers of this State, announcing such result and declaring the amendment or amendments ratified.

Repealing clause.

Sec. 7. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

 Amending Section 580, Volume 1, as to Commutation Tax.

TITLE III.

CODE, AMENDMENTS OF.

ACTS.

Section	580, Volume 1.	Penalty for failure to pay Commutation Tax.
"	583, "	Alternative Road Law.
"	657, "	Water for Mining Purposes.
"	982, "	State Depositories.
"	1354, "	County Boards of Education.
"	1642, "	Peddlers not to sell Intoxicants.
"	1643, "	Soldiers, as Insurance Agents, not Taxed.
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Sections 2801, 2802 and 2803.		Liens of Material Men.

AMENDING SECTION 580, VOLUME 1, AS TO COMMUTATION TAX. PENALTY FOR FAILURE TO PAY COMMUTATION TAX OR TO WORK ROAD.

No. 281.

An Act to amend section 580 of the first volume of the Code of 1895, by adding thereto the following words: "If the authorities trying the case impose a fine upon the person convicted, it may be with the alternative of other punishment allowed by this section in case said fine is not paid," and for other purposes.

Section 1. Be it enacted by the General Assembly of Geor-

Amending Section 583, Volume 1, as to Alternative Road Law.

Code, Sec.
580, Vol. 1,
amended.

gia, That section five hundred and eighty, of the first volume of the Code of 1895, be amended by adding thereto the following words, to wit: "If the authorities trying the case impose a fine upon the person convicted, it may be with the alternative of other punishment allowed by this section in case said fine is not paid," so that said section, when so amended, shall read as follows:

Section as
amended.

Any person who has failed or refused to pay the commutation tax when demanded by the officer appointed by the authorities to make such demand, and who shall, without a good excuse, fail or refuse to appear at the time and place appointed to work, when summoned or notified by the officer whose duty it is to give said summons or notice by the rules of the authorities having charge of the public roads, or who shall fail or refuse to do faithful work as ordered by the officers in charge of the work when he has appeared, shall be fined not less than one dollar nor more than five dollars for each day he fails to work, or be imprisoned in the common jail at the discretion of the authorities trying the case, or be sentenced to work in the chain-gang for not longer than ninety days. If the authorities trying the case impose a fine upon the person convicted, it may be with the alternative of other punishment allowed by this section, in case said fine is not paid.

Repealing
clause.

Sec. 2. Be it further enacted that all laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

AMENDING SECTION 583, VOLUME 1, AS TO ALTERNATIVE ROAD
LAW. ALTERNATIVE ROAD LAW NOT TO BE CHANGED
WITHIN THREE YEARS AFTER ADOPTION.

No. 365.

An Act to amend section 583 of vol. 1, Code of Georgia, 1895, so as to provide that when the alternative road law, contained in article 2, chapter 11, sixth title of said volume, goes into effect in any county in this State, it shall not be suspended by recommendation of the grand jury thereof before the lapse of three years from that time.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That section 583 of vol. 1, Code of Georgia, 1895,

Amending Section 657, Volume 1, as to Surplus Water.

be, and is hereby, amended by adding thereto the words "after the lapse of three years from the time this article goes into effect," so that said section, when amended, shall read as follows:

This article shall not go into effect in any county in this State until it is recommended by the grand jury of said county, said recommendation to be made at any term of court, and the operation of this article shall be suspended in any county of this State upon a like recommendation of the grand jury, made at any term of court, after the lapse of three years from the time this article goes into effect.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

AMENDING SECTION 657, VOLUME 1, SURPLUS WATER FOR MINING.
WATER, AMOUNT OF, ABOVE MILLS AND FACTORIES,
TO BE USED BY MINERS.

No. 140.

An Act to amend section 657 of the Code of Georgia so as to provide for the division of surplus water from mills and factories, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That section 657 of the Code of Georgia be, and the same is, hereby amended by striking from said section the proviso and inserting in lieu thereof the following: *Provided*, that in no instance shall water greater in amount, measured in cubic feet, than the surplus be withdrawn and carried away entirely from a stream above any mill or factory near in operation, said surplus water to be the full amount of water that would run to waste with a tight mill dam at such mill or factory, and this provision shall apply as fully to owners of mines as to lessees of mines, so that said section as amended will read as follows: Any person or company of persons engaged in working a mine under a lease for that purpose shall be held and regarded as owner or owners, and as such shall be entitled to avail himself or themselves of the benefits and privileges of this article; *provided*, that in no instance shall water greater in amount, measured in cubic feet, than the surplus be withdrawn

Code, Sec.
583, Vol. 1,
amended.

Alternative
Road Law.

Repealing
clause.

Suplus
water
above mills
and fac-
tories may
be used by
miners.

Amending Section 982, Volume 1, as to State Depositories.

and carried away entirely from a stream above any mill or factory now in operation," and surplus water to be that full amount of water that would run to waste with a tight mill dam at such mill or factory, and this provision shall apply as fully to owners of mines as to lessees of mines.

Sec. 2. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved November 29, 1897.

AMENDING SECTION 982, VOLUME 1, AS TO STATE DEPOSITORIES.
BANKS IN TIFTON AND LAWRENCEVILLE MAY
BE STATE DEPOSITORIES.

No. 289.

An Act to amend section 982 of the Code of Georgia, of 1895, providing for the selection by the Governor of banks in certain cities therein named as State Depositories, and the several Acts of the General Assembly of the State of Georgia amendatory thereof, so as to add the city of Tifton, in Berrien county, Georgia, and the city of Lawrenceville, in Gwinnett county, to the list of such cities. ~~224~~

Tifton and Lawrenceville, banks of may become State depositories.

Section 1. Be it enacted by the General Assembly of Georgia, That section 982 of the Code of Georgia, of 1895, providing for the selection by the Governor of banks in certain cities therein named, as State depositories, and the several Acts of the General Assembly of Georgia amendatory thereof, be, and the same are, hereby so amended as to add the city of Tifton, in Berrien county, Georgia, and the city of Lawrenceville, in Gwinnett county, Georgia, to the list of such cities.

Repealing clause.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

Amending Section 1354, Volume 1, as to County Boards of Education.

AMENDING SECTION 1354, VOLUME 1, AS TO COUNTY BOARDS OF
EDUCATION. COUNTY BOARDS OF EDUCA-
TION. HOW CONSTITUTED.

No. 354.

An Act to amend section one thousand three hundred and fifty-four of the Code of 1895, volume one, which section provides for the selection by the grand jury of each county (except those counties under a local system) of a County Board of Education, and provided their number, qualification, term of office, etc., by providing that whenever there is in a portion of any county a local school system independent of the other portion of such county, and such local school system has a Board of Education of its own, and receives its pro rata of the public school funds directly from the State School Commissioner, and the Board of Education of such local system has no dealings whatever with the County Board of Education, then the members of the County Board of Education of such county shall be selected from that portion of the county not embraced within the territory covered by such local system.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That section one thousand three hundred and fifty-four of the Code of Georgia of 1895, volume one, be amended by adding at the end of said section the following words, "to wit:" *Provided further*, That whenever there is in a portion of any county a local school system having a Board of Education of its own, and receiving its pro rata of the public school fund directly from the State School Commissioner, and having no dealings whatever with the County Board of Education, then the members of the County Board of Education of such county shall be selected from that portion of the county not embraced within the territory covered by such local system, so that when amended said section will read as follows: that the grand jury of each county (except those counties which are under a local system) in this State shall, from time to time, select from the citizens of their respective counties five freeholders who shall constitute the County Board of Education. Said members shall be elected for the term of four years, and shall hold their offices until their successors shall be elected and qualified; *provided, however*, that no publisher of school books, nor any agent for such publisher, nor any person who shall be pecuniarily interested in the

Code, Sec.
1354, Vol. 1,
amended.

Section as
amended.

Amending Section 1642, Volume 1. Peddlers not to Sell Intoxicants.

sale of school books, shall be eligible for election as member of any Board of Education or as County School Commissioner of any county in this State ; *provided further*, that whenever there is in a portion of any county a local school system having a Board of Education of its own, and receiving its pro rata of the public school fund directly from the State School Commissioner, and having no dealings whatever with the County Board of Education, then the members of the County Board of Education of such county shall be selected from that portion of the county not embraced within the territory covered by such local system.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

AMENDING SECTION 1642, VOLUME 1. PEDDLERS NOT TO SELL
INTOXICANTS. DISABLED SOLDIERS, AS PEDDLERS,
NOT TO SELL INTOXICANTS.

No. 204.

An Act to amend section 1642 of the Code of 1895, volume 1, by striking from the fourth line thereof the words, "in any," and substituting therefor the words, "or conduct business in any town, city," by inserting in the tenth line, between the word "peddling," and the word "ardent," the words, "or dealing in," and for other purposes.

Code, Sec.
1642, Vol. 1,
amended.

. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, section 1642 of the Code of 1895, volume 1, be, and the same is, hereby amended by striking from the fourth line thereof the words, "in any" and substituting therefor the words, "or conduct business in any town, city," and by inserting in the tenth line of said section, between the word "peddling" and the word "ardent," the words, "or dealing in," so that said section, thus amended, shall read as follows :

Section as
amended.

Any disabled or indigent Confederate soldier or soldiers of the Seminole, Creek or Cherokee Indian War or Mexican War, who are residents of this State, may peddle or conduct business in any town, city, county or counties thereof without paying license for the privilege of so doing ; and a certificate from the

Amending Section 1643, Volume 1. Soldiers as Insurance Agents.

ordinary of any county stating the fact of his being such disabled or indigent Confederate soldier or soldiers of the Seminole, Creek or Cherokee Indian War or Mexican War, who are residents of this State, shall be sufficient proof; *Provided*, that this section shall not authorize peddling or dealing in ardent and intoxicating drinks; *and provided further*, that the privilege hereby granted shall not be transferred to or used by any other person.

Sec. 2. Be it further enacted by the authority aforesaid, That Repealing clause. all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 9, 1897.

AMENDING SECTION 1643, VOLUME 1. SOLDIERS AS INSURANCE AGENTS. CONFEDERATE SOLDIERS AS INSURANCE AGENTS, NOT TAXED.

No. 341.

An Act to amend section 1643, volume 1, Code of 1895, by adding after word solicitors in fourth line of said section the words, "and fire insurance agents or solicitors," and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, section 1643, Code, Sec. 1643, Vol. 1, amended. volume 1, Code of 1895, be, and the same is, hereby amended, by adding after word solicitors in fourth line of said section the words, "and fire insurance agents or solicitors," so that said section when so amended shall read as follows: All Section as amended. Confederate soldiers who are over the age of fifty years, and who have resided in this State for three years next preceding the filing of their applications, as hereinafter provided, are authorized to conduct the business of traveling life insurance agents or solicitors and fire insurance agents or solicitors, and peddle in the State without first obtaining a license therefor from the State or any county or municipality thereof, and without being subject to any tax therefor.

Sec. 2. Be it further enacted, That all laws and parts of Repealing clause. laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

**AMENDING SECTION 1844, VOLUME 2, CORPORATION CHARTERS,
HOW AMENDED. CHARTERS GRANTED UNDER SPECIAL OR
GENERAL LAW, HOW AMENDED.**

No. 360.

An Act to amend section 1844 of the Code of the State of Georgia of 1895, which said section prescribes the manner of changing the name or place of business of any banking, railroad, insurance, express, telegraph, canal or navigation company in this State, by inserting a provision for changing the face value of each share of stock, or changing the number of the Board of Directors, and for other purposes.

Code, Sec.
1844, Vol. 2,
amended.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That section 1844 of the Code of the State of Georgia, of 1895, which said section prescribes the manner of changing the name or place of business of any banking, railroad, insurance, express, telegraph, canal or navigation company in this State be, and the same is, hereby amended by inserting after the words, "principal office," in the fifth line of said section, the following words: "Or the face value of each share of its capital stock, or the number of its Board of Directors," and by inserting after the words, "principal office," in the sixth line of said section, the following words: "Or the face value of each share of its capital stock, or the number of its Board of Directors," and by inserting after the words "principal office" in the eleventh line of said section the following words: "Or the face value of each share of its capital stock, or the number of its Board of Directors," and by striking out in the eleventh line of said section the word "both," and inserting in lieu thereof the following words: "Any or all," and by striking out in the sixteenth and seventeenth lines of said section the words "the unanimous vote of the stockholders present at a stockholders' meeting" and inserting in lieu thereof the following words: "The vote of a majority in amount of the entire capital stock at a meeting of the stockholders called for the purpose by resolution of the Board of Directors, notice of which meeting shall be mailed to each stockholder, or in case of death to his legal representative or heirs at law, addressed to his last known residence at least ten days previous to the day of said meeting; *provided, however,* if the petition is to change the principal office of any of such

companies, then the certified abstract from the minutes shall show that the amendment was authorized by the unanimous vote of the stockholders present at the meeting held for such purpose, so that said section, when amended, shall read as follows:

Sec. 2. Be it further enacted, That any banking, railroad, insurance, express, telegraph, canal or navigation company, in this State, whether incorporated by special act of the General Assembly or by the Secretary of State, under the general law, may have its corporate name, or its principal office, or the face value of each share of its capital stock, or the number of its Board of Directors, changed in the following manner, to wit: the company desiring to have its name, or its principal office, or the face value of each share of its capital stock, or the number of its Board of Directors changed, shall file in the office of the Secretary of State a petition signed with the corporate name, stating the name and character of the corporation, the date of its original charter, and all amendments thereto, that it desires an amendment to its charter, changing its corporate name, or its principal office, or the face value of each share of its capital stock, or the number of its Board of Directors, any or all, as the case may be. and paying to the Secretary of State a fee of \$25.00 to be covered by him into the Treasury of the State; and also file with such petition a certified abstract from the minutes of the Board of Directors, showing that the application for the proposed amendment has been authorized by the vote of a majority in amount of the entire capital stock at a meeting of the stockholders called for the purpose, by resolution of the Board of Directors, notice of which meeting shall be mailed to each stockholder, or in case of death, to his legal representatives or heirs at law, addressed to his last known residence, at least ten days previous to the day of said meeting; *provided, however*, if the petition is to change the principal office of any of such companies, then the certified abstract from the minutes shall show that the amendment was authorized by the unanimous vote of the stockholders present at the meeting held for such purpose. Affidavit made and signed in due form of law by the president or secretary shall be attached to said petition, showing that it has been published once a week for four weeks in that newspaper in which is published the sheriff's sales of the county in which the principal office of said corporation is located.

Sec. 3. Be it further enacted by the authority aforesaid,

Amending Section 2350, as to Creation of Corporations.

Repeals
conflicting
laws.

That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

AMENDING SECTION 2350, AS TO CREATION OF CORPORATIONS.
CHARTERS AMENDED OR RENEWED BY SUPERIOR COURTS.

No. 271.

An Act to amend section (2350) twenty-three hundred and fifty of the Code of 1895, relative to the creation of corporations by the superior courts of this State, so as to provide for the amendment and renewal of charters by said courts, whether granted originally by the General Assembly of the State or by the superior courts thereof, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same, That paragraph six of section twenty-three hundred and fifty of the Code of Georgia of 1895 be, and the same is, hereby amended as follows, to-wit: By inserting after the word "amendment" and before the word "of" in the second line of said sixth paragraph the words "and renewal." Also by inserting after the word "section" and before the word "whether" in the second line of said paragraph the words, "within the jurisdiction of said courts." Also by inserting after the word "amended" and before the word "was" in the third line of said paragraph the words "or renewed," so that said sixth paragraph of said section, when so amended, shall read as follows, to-wit: "The powers conferred in this section shall extend to the amendment and renewal of all charters contemplated in said section, within the jurisdiction of said courts, whether the original charter sought to be amended or renewed was originally granted by the General Assembly of the State or by a superior court of this State."

Charters,
jurisdiction
to amend
or renew.

Charters,
how
amended
or renewed.

Sec. 2. Be it further enacted by the authority aforesaid, That said section 2350 be further amended by adding thereto the following, to be known as paragraph (7) seven of said section, to-wit: "The renewal of charters by the superior courts of this State under the powers conferred by this section, shall be granted by the said superior courts in advance of the expiration of such charters, but to take effect from the date of such expiration,

 Amending Section 2352, Volume 2, as to Reviver of Corporations.

upon the filing in the office of said superior court of a petition signed with the corporate name of the company whose charter is sought to be renewed, stating the name of the corporation, when incorporated, the date and manner of its original incorporation, and all amendments thereto, that it desires a renewal of its charter as set out in the original act of incorporation, and the amendments thereto, together with any further amendments which may be desired in the renewal of said charter; and shall file along with said petition a certified abstract from the minutes of the corporation showing that the application for renewal and amendment had been authorized by proper corporate action, and shall in all other respects comply with the requirements of this section, so far as the same applies to the grant of incorporation for the company or association whose charter is sought to be renewed.

SEC. 3. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws conflicting with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

AMENDING SECTION 2352, VOLUME 2, AS TO REVIVER OF CORPORATIONS. CHARTERS FOR RELIGIOUS, CHARITABLE AND EDUCATIONAL ASSOCIATIONS, HOW REVIVED.

No. 207.

An Act to amend an Act entitled an Act to provide for the reviver of corporations, and for other purposes, approved November 12, 1889, and embodied in the Code of Georgia of 1895, as section 2352, by striking from said Act and section the word "three" and inserting in lieu thereof the word "ten."

Section 1. Be it enacted by the General Assembly, That an Act entitled an Act to provide for the reviver of corporations, and for other purposes, approved November 12, 1889, and embodied in the Code of Georgia of 1895 as section 2352, be amended by striking from the fifth line of said Act, as printed in the Acts of 1889 and in said Code, the word "three" and substituting therefor the word "ten," so that said Act and section, as amended, shall read as follows: "In all cases where the charter of a corporation created for library, church, charitable, school or educational purposes may have heretofore expired or

Section 2801, Volume 2, Amended, and Sections 2802 and 2803 Repealed.

Reviver in
ten years.

may hereafter expire, such corporation may be revived for the same purposes at any time within ten years after the expiration of its charter by the superior court of the county in which the former charter was granted. The application for reviver may be made by the former corporations or trustees or any of them, and the application and all proceedings thereon shall be as prescribed by law for making application and proceedings thereon in cases of similar and original charters. The corporations as revived shall stand clothed with all the powers and possessed of all the rights and be subject to all the debts, liabilities and burthens of the old corporation which is revived in it.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Approved December 9, 1897.

SECTION 2801, VOLUME 2, AMENDED, AND SECTIONS 2802 AND 2803 REPEALED.

No. 302.

An Act to repeal paragraphs 3 and 4 of section 2801 of the Code of Georgia of 1895, and to repeal sections 2802 and 2803 of said Code of Georgia of 1895, relating to liens on real estate to the extent of no more than 25 per cent. of contract price of building in certain cases, and the retention of 25 per cent. by persons letting contracts; and providing for affidavit by contractors; fixing liability of owners for 25 per cent. of contract price for building; and providing for discharge of liens on real estate in certain cases; and to amend paragraph 2 of section 2801 of said Code of Georgia of 1895, and for other purposes.

Code, para-
graphs 3
and 4 of
Sec. 2801
and Sec-
tions 2802
and 2803.
Vol. 2, re-
pealed.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That paragraphs 3 and 4 of section 2801 of the Code of Georgia of 1895, and all of sections 2802 and 2803 of said Code of Georgia of 1895, all relating to a lien to the extent of no more than twenty-five per cent. of the contract price of building, on real estate, in certain cases, and the retention of twenty-five per cent. by persons letting contracts for building; and providing for an affidavit by contractors; fixing liability for the twenty-five per cent. of the contract price of building; and providing for the

Section 2801, Volume 2, Amended, and Sections 2802 and 2803 Repealed.

discharge of liens on real estate in certain cases, said sections and paragraphs being codified from the Acts of Oct. 19, 1891, Dec. 18, 1893, and Dec. 16, 1895, be, and the same are, hereby repealed.

Sec. 2. Be it further enacted, That paragraph 2 of section 2801 of the Code of Georgia of 1895 be, and hereby is, amended by adding, at the close of said paragraph, the following, to-wit: Said written notice may also be given at the commencement or during the progress of the work or furnishing of any material; *provided*, in no event shall the lien attach for a sum greater than such balance as the owner may be indebted to the person having the contract, at the time of the service of such notice, so that said paragraph 2 of section 2801 shall, when amended, read as follows: When work done or material furnished for the improvement of real estate is done or may be furnished upon the employment of a contractor or some other person than the owner, then, and in that case, the lien given by this section shall attach upon the real estate improved, as against such true owner, upon written notice given to him of the amount of work done or material furnished; said notice to be given within thirty days of the completion of the work or the furnishing of the material; said written notice may also be given at the commencement or during the progress of the work or furnishing of material; *provided*, in no event shall the lien attach for a sum greater than such balance as the owner may be indebted to the person having the contract at the time of the service of such notice.

Par. 2 of
Sec. 2801
amended..

Notice to-
owner.

Sec. 3. Be it further enacted, That laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Repealing:
clause.

Approved December 18, 1897.

Amending Section 4465, Volume 2, Appeals in *Forma Pauperis*.

AMENDING SECTION 4465, VOLUME 2, APPEALS IN *FORMA PAUPERIS*. APPEALS IN *FORMA PAUPERIS*.

No. 350.

An Act to amend section 4465 of the Code of 1895, which provides for affidavits *in forma pauperis*, by striking from the third and sixth lines thereof the word "and" and inserting in lieu thereof the word "or," and by inserting between the words "security" and "as" in the last line thereof the words, as the case may be, and for other purposes.

Code, Sec. 4465, Vol. 2, amended. Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That section 4465 of the Code of 1895 be, and the same is, hereby amended by striking from the third and sixth lines thereof the word "and" and inserting in lieu thereof the word "or," and by inserting between the words "security" and "as" in the last line of said section, the words "as the case may be," so that said section when so amended shall read as follows, to-wit:

Section as amended. Appeals *in forma pauperis* when any party, plaintiff or defendant in any suit at law shall be unable to pay costs or give security as hereinbefore required, if such party will make and file an affidavit in writing that he is advised and believes that he has good cause of appeal, and that owing to his poverty he is unable to pay the costs or give the security required by law in cases of appeal, such party shall be permitted to enter an appeal without the payment of costs or giving security, as the case may be, as hereinbefore required.

Repealing clause. Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

AMENDING SECTION 4118 AS TO TIME OF FILING SUITS IN JUSTICE'S COURTS. JUSTICE COURT SUMMONS, SERVICE OF.

No. 180.

An Act to amend section 4118 of the Code of Georgia 1895, by striking out all that part of said section which relates to the time of filing of suits in Justice Court, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of same, That section 4118 of the Code of Georgia of 1895, be, and the same is, hereby amended by striking out the words "shall bear date fifteen days before the time of the trial of the cause," so that said section when amended shall read as follows: "All summons shall be served upon the defendant, either by giving him ^{Summons shall be served ten days before trial.} a copy of the same in person, or by leaving such copy at his usual and most notorious place of abode, at least ten days before the trial."

Sec. 2. Be it further enacted, That all laws in conflict with ^{Repealing clause.} this Act be, and the same are, hereby repealed.

Approved December 6, 1897.

AMENDING SECTION 4641, VOLUME 2, CERTIORARI IN FORMA PAUPERIS. CERTIORARI IN FORMA PAUPERIS.

No. 349.

An Act to amend section 4641 of the Code of 1895, which provides for affidavits in lieu of bond to obtain certiorari, by striking from the fifth and last lines thereof the word "and" and inserting in lieu thereof the word "or," and by inserting between the words "security" and "as" in the fifth line thereof the words "as the case may be," and by striking from the last line thereof the word "and," and inserting in lieu thereof the word "or," and by adding to the last line thereof the words "as the case may be," and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same,

Amending Section 4685, Volume 2. Opening Public and Private Roads.

Code, Sec. 4641, amended. That section 4641 of the Code of 1895 be, and the same is, hereby amended by striking from the fifth and last lines thereof the word "and," and inserting in lieu thereof the word "or," and by inserting between the words "security" and "as" in the fifth line thereof the words "as the case may be," and by striking from the last line thereof the word "and," and inserting in lieu thereof the word "or," and by adding after the last line thereof the words "as the case may be," so that said section when so amended shall read as follows, to wit: Affidavit in lieu of bond. If the party applying for the writ of certiorari shall make and file with his petition an affidavit in writing that he is advised and believes that he has good cause for certioraring the proceeding to the Superior Court, and that owing to his poverty he is unable to pay the cost or give security, as the case may be, as required in the preceding section, such affidavits shall, in every respect, answer instead of the certificate or bond above mentioned, as the case may be.

Section as amended.

Repealing clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

AMENDING SECTION 4685, VOLUME 2, OPENING PUBLIC AND PRIVATE ROADS. PUBLIC AND PRIVATE ROADS, HOW OPENED.

No. 379.

An Act to amend section 4685 of the Code of 1895 by striking from the seventh and eighth lines thereof the following words, to wit: "But nothing herein shall be construed to alter or repeal the law for opening public or private roads or ways."

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That section 4685 of the Code of 1895 be, and the same is, hereby amended by striking from the seventh and eighth lines thereof the words: "But nothing herein shall be construed to alter or repeal the laws for opening public or private roads or ways," so that said section, when so amended, shall read as follows, to wit: The method of condemnation of property and assessment of damages hereinbefore provided shall apply to condemnation.

Code, Sec. 4685, Vol. 2, amended.

Section as amended.

 Amending Section 5057 as to Amended Pleas or Answers.

by cities, counties, railroads, telegraphs, canals, mining and water-work companies, drainage by counties, tramroads, light houses, and beacon constructions, and to all persons or corporations having the privilege of exercising the right of eminent domain.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

 AMENDING SECTION 5057 AS TO AMENDED PLEAS OR ANSWERS.
 PLEAS AND ANSWERS, HOW AMENDED.

No. 376.

An Act to amend section 5057 of the Code of 1895 by striking out the words "have notice or knowledge of the new facts or defense set out in the amended plea or answer" and insert in lieu thereof the words, omit the facts or defense set out in the amended plea or answer for the purpose of delay and that the amendment is not offered for delay, or unless in the discretion of the court the circumstances of the case or substantial justice between the parties required that such amendment be allowed without attaching such affidavits.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That section 5057 be, and the same is, amended by striking out the following words in said section: "Have notice or knowledge of the new facts or defense set out in the amended plea or answer" and insert in lieu thereof the words "omit the facts or defense set out in the amended plea or answer for the purpose of delay and that the amendment is not now offered for delay, or unless in the discretion of the court the circumstances of the case or substantial justice between the parties require such amendment be allowed without attaching such affidavit, so that said section, when amended, will read as follows: The defendant, after the time allowed for answer has expired, shall not in any case by amendment set up any new facts or defense of which notice was not given by the original plea or answer, unless at the time of filing such amended plea or answer containing the new matter he shall attach an affidavit that at the time of filing the

Pleas and
answers,
how
amended.

Amending Section 221, Volume 3. Hunting on Lands of Another.

original plea or answer he did not omit the new facts or defense set out in the amended plea or answer for the purpose of delay and that the amendment is not now offered for delay, or unless in the discretion of the court the circumstances of the case or substantial justice between the parties require that such amendment be allowed without attaching such affidavit.

Repealing
clause.

Sec. 2. All laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

AMENDING SECTION 221, VOLUME 3, HUNTING ON LANDS OF
ANOTHER. HUNTING ON LANDS OF ANOTHER PROHIBITED.

No. 371.

An Act to amend section 221 of the Code of Georgia of 1895, which provides for the punishment of hunting on enclosed land, so as to make the provisions of said section apply also to unenclosed land.

Hunting on
lands of
another
prohibited.

Section 1. Be it enacted by the General Assembly, That section 221 of the third volume of the Code of 1895 be, and the same is, hereby amended by inserting after the word "enclosed," in the second line of said section, the words "or unenclosed," also by inserting after the word "enclosed," in the sixth line, the words "or unenclosed," so that said section, when amended, shall read as follows: If any person shall hunt with dogs, firearms, or other implements, in or through any enclosed or unenclosed land or cultivated field, walk or pasture, after being forbidden so to do or ordered to desist therefrom, by the owner thereof, or the person having the same in charge, or his agent, he shall be guilty of a misdemeanor. Posting a card in two or more places on enclosed or unenclosed land, fields, walks or pastures, and one at the door of the court house in the county where such lands, fields, walks or pastures are situated, forbidding all persons to enter upon and hunt thereon, shall be held and deemed a legal notice under this section; *provided*, this amendment shall apply to stock law counties only.

Proviso.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

**AMENDING SECTION 413, VOLUME 3, PROHIBITING MINORS
PLAYING ON POOL TABLES. MINORS NOT TO BE PER-
MITTED TO PLAY ON POOL TABLES.**

No. 287.

An Act to amend section 413 of the Penal Code of Georgia of 1895, which provides for the punishment of any owner or owners, or persons controlling any billiard table or ten-pin alley in this State, who shall or may permit any minor to play or roll on the same, without the consent of the parent or guardian, so as to make said section apply to any owner or owners, or persons controlling any pool table in this State, by adding after the words "billiard table" and before the words "or ten-pin alley," in the second line of said section 413, the following words, to-wit: "pool table," and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That section 413 of the Penal Code of Georgia of 1895, which provides for the punishment of any owner or owners, or persons controlling any billiard table or ten-pin alley in this State, who shall or may permit any minor to play or roll on the same, without the consent of the parent or guardian, be, and the same is, hereby so amended as to make said section 413 apply to any owner or owners or persons controlling any pool table in this State, who shall or may permit any minor to play or roll on the same, without the consent of the parent or guardian, by adding after the words "billiard table" and before the words "or ten-pin alley," in the second line of said section 413, the following words, to wit: "pool table," so that said section, when thus amended, shall read as follows: Any owner or owners, or persons controlling billiard table, pool table, or ten-pin alley, that shall or may permit any minor to play or roll on the same, without the consent of the parent or guardian, shall, on conviction of the same, be fined in a sum not to exceed one hundred dollars for each and every offense, or imprisonment twenty days, or both, at the discretion of the court.

Minors not
allowed to
play on
pool table.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing
clause.

Approved December 16, 1897.

Section 420, Volume 3, as to Running of Freight Trains on Sunday.

SECTION 420, VOLUME 3, AS TO RUNNING FREIGHT TRAINS ON SUNDAY. RUNNING FREIGHT TRAINS ON SUNDAY.

No. 138.

An Act to amend section 420 of the Code of 1895 by inserting at the end of said section the following words: "To trains on railroads where the line of said railroad begins and ends in another State, and does not run a distance greater than three miles through this State," and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, section 420 of the Code of 1895 be, and the same is, hereby amended by adding after the third paragraph of said section, another paragraph with the following words: "To trains on railroads where the line of said railroad begins and ends in another State, and does not run a distance greater than three miles through this State," so that section, when amended, shall read as follows: Section 420 (4578). *Running Freight Trains on the Sabbath.* If any freight train, excursion train, or other train than the regular trains run for the carrying of the mails or passengers, shall be run on any railroad on the Sabbath day, the superintendent of transportation of such railroad company, or the officer having charge of the business of that department of the railroad, shall be liable to indictment in each county through which such train shall pass, and shall be punished as for a misdemeanor.

The foregoing provisions shall not extend to:

1. A train which has one or more cars loaded with live stock, and which is delayed beyond schedule time. Such train shall not be required to lay over on the line of road during Sunday, but may run on to the point where, by due course of shipment or consignment, the next stock-pen on the route may be, where such animals may be fed and watered according to the facilities usually afforded for such transportation.

2. A freight train running over a road on Saturday night, if the time of its arrival at destination according to the schedule by which it started on the trip be not later than eight o'clock Sunday morning.

3. Special fruit, melon and vegetable trains, the cars of which contain no other freight except perishable fruits, melons, vegetables, fresh fish, oysters, fresh meats, live stock and any other

Sec. 420 of
Code of 1895
amended.

Running
freight
trains on
Sunday.

Section 428, Volume 3, as to Contracts for Sale of Liquor.

perishable goods of a like character, and which trains shall be loaded and leave the station from which they start in this State before the hour of midnight on Saturday night previous to the Sunday on which they are operated. No company shall be compelled to run the trains mentioned in this paragraph, and all freight trains or cars thus loaded and coming into this State may run to any point of destination in this State, or continue their run through the State on Sunday.

4. To trains on railroads where the line of said railroad begins and ends in another State, and does not run a distance greater than three miles through this State.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved November 30, 1897.

SECTION 428, VOLUME 3, AS TO CONTRACTS FOR SALE OF LIQUOR. CONTRACTS FOR SALE OF LIQUOR PROHIBITED.

No. 302.

An Act to amend section 428 of the third volume of the Code of 1895, by inserting after the word "sell" in the second line in said section the words "contract to sell, take orders for," so as to prohibit the making of contracts or taking orders for the sale of intoxicating liquors where the sale of same is now prohibited by law, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That section 428, of volume 3, of the Code of 1895, be amended by inserting after the word "sell" in the second line thereof the words following, to wit: "Contract to sell, take orders for," so that said section so amended shall read as follows: Section 428. If any person shall sell, contract to sell, take orders for, or solicit, personally or by agent, the sale of spirituous, malt or intoxicating liquors, in any county or town or municipal corporation or militia district or other place where the sale of such liquors is prohibited by law, high license or otherwise, he shall be guilty of a misdemeanor. Contracts for sale of liquor, where sale is prohibited, made penal.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 9, 1897.

 Amending Section 815, Volume 3, as to Revision of Jury List.

AMENDING SECTION 815, VOLUME 3, AS TO REVISION OF JURY LIST. JURY LIST, REVISION OF.

No. 189.

An Act to amend section 815 of the third volume of the Code of Georgia, which provides when revision of the jury lists shall be made, so as to have annual revisions of the jury list in counties containing a town of ten thousand or more inhabitants only when so ordered by the judge of the superior court of said county, and for other purposes.

Revision of jury lists of counties containing town of 10,000 inhabitants.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That section 815 of the Penal Code, which is volume 3 of the present Code of Georgia, be amended by substituting a comma for the period at the end of the fifth line and by inserting after the word "annually" in the fifth line of said section and before the word "in" in the sixteenth line of said section the following words, to wit: "*Provided*, such annual revision is so ordered by the judge of the superior court of said county," so that said section when amended shall read as follows: Section 815. (3910b.) When revision shall be made biennially on the first Monday in August, or within thirty days thereafter, they shall revise the jury lists, as provided in this article, except that in those counties within whose limits there is an incorporated town of ten thousand or more inhabitants, the revision shall be made annually; *provided*, such annual revision is so ordered by the judge of the superior court of said county. In determining the number of inhabitants of any town, the last preceding census of the United States shall be taken as evidence of the number of inhabitants.

Repealing clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Approved December 8, 1897.

AMENDING SECTION 1030, VOLUME 3. CHARGES OF COURT IN WRITING.

No. 351.

An Act to amend section 1030 of volume 3 of the Code of 1895, which provides when the judges of the superior, city and county courts shall give written charges on request, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is enacted by the authority aforesaid, That section 1030 of volume 3 of the Code of 1895, which provides when the judges of the superior, city and county courts shall give written charges on request, be amended by striking from the third line of said section the words "beginning the charge" and insert in lieu thereof the words "argument begins," so that said section, when amended, shall read as follows: "Judges shall give written charges on request. The judges of the superior, city and county courts shall, when the counsel for either party request it before argument begins, write out their charges and read them to the jury, and it shall be error to give any other additional charge than that so written and read."

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

AMENDING SECTION 1047, VOLUME 3, AS TO INSANITY OF CONVICTS. TRIAL OF CONVICTS. INSANITY OF, HOW TRIED.

No. 343.

An Act to amend section No. 1047 of the Penal Code of Georgia, which provides for the trial of convicts who have been sentenced to death and who have become insane subsequent to conviction, so as to make the question of insanity triable in the superior court, and how the same shall be tried, and to provide that in the event the convict be found sane he shall be entitled to no other trial as to his sanity, and to provide for a special session of said court to try such issue.

Section 1. Be it enacted by the General Assembly of Georgia, That section No. 1047 of the Penal Code of Georgia be amended

Amending Section 1047, Volume 3, as to Insanity of Convicts.

Convicts,
insanity of,
how tried.

by striking therefrom in the third line the clause "the sheriff of the county, with the concurrence and assistance of the ordinary thereof, shall summon a jury of twelve men to inquire into such sanity," and in lieu thereof to insert the following clause: Upon the oath of a practicing physician the question of sanity of said convict shall be tried by the superior court of the county in which he has been sentenced, and he shall be entitled to a jury of twenty-four men, from which the State shall be entitled to six peremptory strikes, and the convict to be entitled to six peremptory strikes, said jury to be regularly drawn from the jury box of said superior court.

Sec. 2. Be it further enacted, That said section shall be further amended by inserting in the ninth line thereof, after the word "evidence," the following words: "and the law as given you in charge."

Sec 3. Said section shall be further amended by striking from the twelfth line of said section the words: "and make report of the inquisition and suspension of execution to the presiding judge of the circuit who," and insert in lieu thereof the following words: "and the presiding judge of the circuit."

Sec. 4. Said section shall be further amended by adding at the conclusion thereof following words: "The presiding judge shall charge the jury on the question submitted as in other cases, and if the jury shall find the convict sane he shall be entitled to have no other trial as to his insanity upon any new application for a trial thereof. Whenever the affidavit shall be made by a physician as contemplated by this Act, the judge of said superior court may call a special session of said court, if the same be not in session, to try said issue."

Special
term for
trial of.

Sec. 1047 as
amended.

Sec. 5. Said section of the Code when amended shall read as follows: If, after any convict shall have been sentenced to the punishment of death, he shall become insane, upon the oath of a practicing physician, the question of the sanity of said convict shall be tried by the superior court of the county in which he has been sentenced, and he shall be entitled to a jury of twenty-four men, from which the State shall be entitled to six peremptory strikes, and the convict to be entitled to six peremptory strikes, said jury to be regularly drawn from the jury box of said superior court. The following oath shall be administered to the jury, to wit: "You and each of you do solemnly swear (or affirm) that you will well and truly try this issue of insanity between the State and A B, now condemned to die, and a true verdict give according to the evidence and the law, as given

you in charge. So help you God." If it be found by the inquisition of such jury that the convict is insane, the sheriff shall suspend execution of the sentence and the presiding judge of the circuit shall cause the same to be entered on the minutes of the superior court of the county where the conviction was had. The presiding judge shall charge the jury on the question submitted, as in other cases, and if the jury shall find the convict sane he shall be entitled to have no other trial as to his insanity upon any new application for a trial thereof. Whenever the affidavit shall be made by a physician as contemplated by this Act, the judge of said superior court may call a special session of said court, if the same be not in session, to try said issue.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 21, 1897.

Atlantic Circuit Created from Counties Detached from Eastern Circuit.

TITLE IV.

COURTS.

ACTS.

Eastern Circuit Composed of Chatham County; Atlantic Circuit Created.
 Campbell County Taken from Coweta and Added to Stone Mountain Circuit.
 Appling Superior Court, Terms of Changed.
 Charlton and Clinch Superior Courts, Fall Terms of Changed.
 Colquitt Superior Court, Fall Term of Changed.
 Montgomery Superior Court, Terms of Changed.
 Pike Superior Court, Spring Term of Changed.
 Terrell Superior Court, Terms of Changed.
 Justices' Court, in Cities, Rooms for, How Provided.
 Jurors in Cases of County, How Paid.
 Ordinary Disqualified, County or City Court Judge, or Clerk of Superior Court, to Act.
 Parties Having Interest Adverse to Estate of Insane or Deceased Party Cannot Testify.
Habeas Corpus Cases, Practice in.
 Garnishee to be Notified of Traverse of Answer.
 Fees of Receivers and Attorneys in Certain Cases Prescribed.

ATLANTIC CIRCUIT CREATED FROM COUNTIES DETACHED FROM EASTERN CIRCUIT.

No. 330.

An Act to make the eastern judicial circuit of Georgia, composed of the county of Chatham, and to create and organize a new judicial circuit, to be called the Atlantic circuit, composed of the counties of Bryan, Effingham, Liberty and McIntosh.

After Jan-
 uary 1, 1899,
 Eastern
 Circuit
 composed
 of Chatham
 county.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the 1st day of January, eighteen hundred and ninety-nine (1899), the eastern judicial circuit of Georgia, now composed of the counties of Chatham, Bryan,

Atlantic Circuit Created from Counties Detached from Eastern Circuit.

Effingham, Liberty and McIntosh, shall be composed of the county of Chatham only.

Sec. 2. Be it further enacted by the authority aforesaid, That from and after said date a new judicial circuit of the superior courts of this State, to be called the Atlantic circuit, be, and the same is, hereby created and organized, comprising the counties of Bryan, Effingham, Liberty and McIntosh. Atlantic Circuit created.

Sec. 3. Be it further enacted by the authority aforesaid, That a judge and a solicitor-general of said Atlantic circuit shall be elected by the General Assembly of this State at its next regular session, to hold office for the term of four years from the 1st day of January, 1899, and that succeeding judges and solicitors-general of said circuit be elected regularly for succeeding terms of four years as judges of the superior courts and solicitors-general are required to be elected by the Constitution and laws of this State. Election of judge and solicitor.

Sec. 4. Be it further enacted by the authority aforesaid, That the judge of said Atlantic circuit hereby established, when the business of said circuit does not require his attention, may aid in the disposition of the business of the eastern judicial circuit of Georgia. Judge of Atlantic to preside in Eastern circuit.

Sec. 5. Be it further enacted by the authority aforesaid, That all petitions, motions, mesne and final processes, summons and other proceedings issued and returnable or pending in the several counties in the circuit to which they belong before the passage of this Act, shall, on and after the 1st day of January, 1899, relate to and hold good in the courts of said Atlantic circuit. Return of writs, etc.

Sec. 6. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 20, 1897.

Campbell County Transferred to Stone Mountain Circuit.—Appling Superior Court, Terms Changed.

CAMPBELL COUNTY TRANSFERRED TO STONE MOUNTAIN
CIRCUIT.

No. 334.

An Act to rearrange the Stone Mountain and Coweta circuits by taking from the Coweta circuit the county of Campbell and adding said county to the Stone Mountain circuit, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the first day of January, 1898, the county of Campbell shall become a part of the Stone Mountain judicial circuit and shall cease to be a part of the Coweta judicial circuit: *Provided*, this Act does not affect the office of solicitor-general of the Coweta circuit during his present term of office, and he is still authorized to discharge the duties of said office during said term.

After January 1, 1898, Campbell county transferred to Stone Mountain circuit. Not affect solicitor during present term.

Terms.

Sec. 2. Be it further enacted by the authority aforesaid, That the time of holding the superior court of said county of Campbell shall be the same as that now fixed by law.

Repealing clause.

Sec. 3. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict be, and the same are, hereby repealed.

Approved December 21, 1897.

APPLING SUPERIOR COURT, TERMS CHANGED.

No. 213.

An Act to change the time of holding the superior court of Appling county, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the time of holding Appling superior court shall be changed from the first and second Mondays in March and the third and fourth Mondays in September to the first Monday in March and the third Monday in September of each year only, but may be ad-

Terms changed.

To first Monday in March and third Monday in September.

Charlton and Clinch Superior Courts, Fall Terms Changed.

journed over to the succeeding week if the business requires it and the grand jury recommends it.

Sec. 2. Be it further enacted, That all writs and processes, orders, summons, subpœnas, bail bonds, civil and criminal, and all processes and proceedings of all kinds returnable to said court prior to the passage of this Act, shall be held and considered as returnable to the terms as herein fixed and prescribed, and that all grand and traverse jurors who may be drawn and summoned to attend said courts as now provided by law, shall be required to attend at the terms of said court as changed by this Act. Return of writs, etc.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 10, 1897.

CHARLTON AND CLINCH SUPERIOR COURTS, FALL TERMS
CHANGED.

No. 320.

**An Act to change the time of holding the superior court of
Charlton and Clinch counties.**

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the fall term of the superior court of the county of Charlton shall be held on Tuesday after the fourth Monday in October in each year, and that the fall term of the superior court of the county of Clinch shall be held on the third Monday in October of each year. Fall term: Charlton superior court changed to Tuesday after fourth Monday in October. Fall term Clinch superior court changed to third Monday in October. Repealing clause.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

Colquitt Superior Court, Fall Term Changed.—Montgomery Superior Court, Terms Changed.

COLQUITT SUPERIOR COURT, FALL TERM CHANGED.

No. 292.

An Act to change the time of holding the fall term of Colquitt superior court, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the time of holding the fall term of Colquitt superior court shall be changed from Tuesday after the third Mondays to the third Mondays in September in each year, so that said terms of the superior court of said county, under this Act, shall be on the first Mondays in April and the third Mondays in September.

Fall term
changed.

To third
Monday in
September.

Return of
writs, etc.

Sec. 2. Be it further enacted, That all writs, processes, orders, summons and other proceedings returnable to said fall term of court prior to the passage of this Act, shall be held and considered as returnable to the term as herein fixed and prescribed.

Repealing
clause.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 16, 1897.

MONTGOMERY SUPERIOR COURT, TERMS CHANGED.

No. 336.

An Act to change the time of holding Montgomery superior court, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the time of holding Montgomery superior court shall be changed from the fourth Monday in April and second Monday in November to the fourth Monday in April and the second Monday in November of each year.

Terms
changed.
To fourth
Monday in
April and
second
Monday in
November.

Return of
writs, etc.

Sec. 2. Be it further enacted, That all writs and processes, orders, summons and other proceedings returnable to said courts prior to the passage of this Act, shall be held and considered as returnable to the terms as herein fixed and prescribed.

 Pike Superior Court, Spring Term Changed.

Sec. 3. Be it further enacted, That from and after the pas- ^{Extension}
 sage of this Act, should it appear to the judge that, in order to ^{of term.}
 transact the business of the court, it shall be necessary to keep
 the court in session for a second week in each term, the said
 judge may, in his discretion, draw a jury to serve during said ^{Juries.}
 second week, which jury may be drawn at the term next pre-
 ceding that for which they are to serve.

Sec. 4. Be it further enacted, That all laws and parts of laws ^{Repealing}
 in conflict with this Act be, and the same are, hereby repealed. ^{clause.}
 Approved December 21, 1897.

 PIKE SUPERIOR COURT, SPRING TERM CHANGED.

No. 293.

**An Act to change the time of holding the spring term of Pike
 superior court.**

Section 1. Be it enacted by the General Assembly of Georgia,
 and it is hereby enacted by the authority of the same, That ^{Spring}
 from and after the passage of this Act the time of holding the ^{term}
 spring term of the superior court of Pike county shall be ^{changed.}
 changed from the fourth Monday in March to the first and ^{To first}
 second Monday in April in each year. ^{and second}
^{Mondays}
^{in April.}

Sec. 2. Be it further enacted, That all petitions, writs, pro- ^{Return of}
 cesses, orders, summons and other proceedings returnable to ^{writs, etc.}
 said term of said superior court prior to the passage of this
 Act, shall be held and considered as returnable to the term of
 said court fixed by this Act.

Sec. 3. Be it further enacted, That all laws and parts of laws ^{Repealing}
 in conflict with this Act be, and the same are, hereby repealed. ^{clause.}
 Approved December 16, 1897.

TERRELL SUPERIOR COURT, TERMS CHANGED.

No. 322.

An Act to change and fix the time of holding the superior court of Terrell county, in the Pataula judicial circuit, and for other purposes.

Terms
changed.

To fourth
Mondays in
November
and May.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the time of holding the superior courts of the county of Terrell, in the Pataula judicial circuit, shall be changed from the third to the fourth (4th) Mondays in November and May of each year, and said court at each term shall continue in session until all the business of said term shall be disposed of.

Return of
writs, pro-
cesses, etc.

Sec. 2. Be it further enacted by the authority aforesaid, That all petitions, bills, writs, summons, mesne and final process, and other processes of whatever kind now returnable to and pending in the superior court of said county, as the terms are now provided for, shall hold good and relate to the terms of said court as changed, fixed and provided by this Act, and that all grand and traverse jurors who may be drawn and summoned to attend the said court, as now provided by law, shall be required to attend at the term of said court as changed and fixed by this Act.

Witnesses
required to
attend.

Sec. 3. Be it further enacted by authority aforesaid, That all persons subpoenaed as witnesses to appear at the terms as fixed before the passage of this Act shall be required to attend the terms of said court as now fixed by this Act.

Repealing
clause.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

 Authorizing County Commissioners to Provide Rooms for Justices' Courts.

**AUTHORIZING COUNTY COMMISSIONERS TO PROVIDE ROOMS
FOR JUSTICES' COURTS.**

No. 352.

An Act to authorize Boards of County Commissioners, in their discretion, to provide court rooms for Justices' courts held in cities whose population is not less than sixty thousand, and to provide such courts with dockets and indexes to said dockets.

Section 1. Be it enacted by the General Assembly, and it is hereby enacted by authority of the same, That from and after the passage of this Act boards of county commissioners are authorized, in their discretion, under such rules and regulations, not inconsistent with law, as may be prescribed by them, to provide court rooms, at the expense of the county, for those justices of the peace and notaries public and ex-officio justices of the peace who hold their courts within the corporate limits of cities containing, by the last preceding United States census, a population of not less than sixty thousand.

Commissioners may provide court rooms. In cities of 60,000.

Sec. 2. Be it further enacted, That said boards, under similar rules and regulations, are hereby authorized, in their discretion, to provide, at the expense of the county, for the justices and notaries public and ex-officio justices aforesaid, good and sufficient dockets and good and sufficient indexes to such dockets, at the actual cost of the same.

May provide dockets and indexes.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 21, 1897.

To Pay Jurors from County Treasury in Certain Cases.—To Provide for Ordinary *Pro Hac Vice*.

TO PAY JURORS FROM COUNTY TREASURY IN CERTAIN CASES.

No. 190.

An Act to pay jurors from the county treasury in any cause or action in which the county is interested, and for other purposes.

Jurors to receive \$1 per day in cases in which county is interested.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act all jurors subpoenaed by the ordinary of any county of this State, and who do actual service as jurors in any cause or action in which the county is interested, shall each receive from the county treasury of said county, upon warrant of the ordinary, one dollar per diem.

Repealing clause.

Sec. 2. Be it further enacted by authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 8, 1897.

TO PROVIDE FOR ORDINARY *PRO HAC VICE*.

No. 290.

An Act providing for an ordinary *pro hac vice* in case of disqualified ordinary, and for other purposes.

County or city court judge, or clerk superior court to act where ordinary is disqualified.

Section 1. Be it enacted by the General Assembly of Georgia, That whenever an ordinary is disqualified to act in any cause, the county judge or city court judge, and if there be no such courts, then the clerk of the superior court of such ordinary's county may exercise all the jurisdiction of ordinary in such cause, and in such event it shall not be necessary for the ordinary to call in the ordinary of the adjoining county.

Repealing clause.

Sec. 2. Be it further enacted by authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

WITNESSES, INCOMPETENT.

No. 348.

An Act to further define the incompetency of witnesses in cases where certain parties are dead or insane.

Section 1. Be it enacted by the General Assembly of Georgia, That when suit is instituted against joint defendants, one of whom is the representative of an insane or deceased person, the sane or living party defendant shall not be admitted to testify as to any transaction or communication with the insane or deceased party, when his evidence would tend to relieve or modify the liability of the party offered as a witness and tend to make the estate of said insane or deceased party primarily liable for the debt or default.

Suit against representative of insane or deceased person, joint defendant incompetent witness, when.

Sec. 2. That all laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 21, 1897.

HABEAS CORPUS, PRACTICE IN.

No. 178.

An Act to provide for a more speedy determination of *habeas corpus* cases, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That all bills of exception in *habeas corpus* cases now pending before the Supreme Court, and all cases tried in the courts of this State from and after the passage of this Act shall, as regards the practice of the lower court and in the Supreme Court relating to the time and manner of signing, filing, serving, transmitting and hearing the same, be governed in all respects where applicable by the laws now of rule and force in reference to bills of exceptions in cases of injunction, and it shall be the duty of the Supreme Court to give a speedy hearing and determination in such *habeas corpus* cases, either under existing rules or under special rules to be formulated by said court for that purpose, and if the judgment of the court below is affirmed in the Supreme Court, the clerk of the

Bill of exceptions governed by laws and rules in reference to injunctions.

 Notice to Garnishee When Answer is Traversed.

Remitter promptly trans-
mitted.

Judge's power in term or vacation.

Repealing clause.

Supreme Court shall promptly transmit the remitter to the clerk of the court from which the writ of error was taken. Upon the receipt of the same the clerk shall notify the judge of said court, who shall have full power in term or vacation to pass an order, sentence or judgment necessary to carry into execution the judgment of the court.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 6, 1897.

 NOTICE TO GARNISHEE WHEN ANSWER IS TRAVERSED.

No. 344.

An Act to provide for notice to the garnishee when in any of the courts of this State his answer has been traversed; to provide for the service of such notice, and for other purposes.

Notice of traverse.

Five days in justice's courts.

Ten days in other courts.

Service on non-resident corporation.

Notice not necessary, when.

Judgment void, when.

Notice, how served.

Section 1. Be it enacted by the General Assembly of Georgia That from and after the passage of this Act, when any answer of garnishment is traversed, if the proceedings be in a justice court, notice of such traverse shall be given in writing to the garnishee, if such garnishee be accessible, if not, then to his agent or attorney of record, at least five days before the trial of such garnishment, and in any other courts at least ten days before the trial of such garnishment.

Sec. 2. Be it further enacted, That if the garnishee be a non-resident corporation, service of notice of traverse upon any duly authorized agent or the attorney of record of such corporation shall be sufficient.

Sec. 3. Be it further enacted, That if the garnishee, his agent or attorney of record, as hereinbefore provided, be inaccessible, notice of such traverse shall not be necessary, and any judgment taken against the garnishee shall be valid; but in all other cases any judgment taken against the garnishee without service of such notice of traverse shall be void.

Sec. 4. Be it further enacted, That the service of notice of traverse, as hereinbefore provided for, shall be perfected by the plaintiff, his agent or attorney of record, or by the proper officer of said court, either by serving the garnishee, his agent or attorney of record in person or by leaving a copy of such notice of traverse at the most notorious place of abode of such

Receivers' and Attorneys' Fees Regulated.

garnishee, his agent or attorney, or of service by acknowledgment.

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed. Repealing clause.

Approved December 21, 1897.

RECEIVERS' AND ATTORNEYS' FEES REGULATED.

No. 384.

An Act to regulate the payment of fees to attorneys and receivers in cases where petition for injunction and receiver is filed in this State, and a receiver is appointed, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That in all cases where a receiver is appointed under the laws of this State to take charge of the assets of any person, firm or corporation, and a fund is brought into court for distribution, the court having jurisdiction thereof shall award to counsel filing the petition and representing the moving creditor or creditors out of the fund, no greater sum as fees for services rendered in filing such petition and bringing the fund into court than such services are actually worth, taking as a basis therefor the amount represented by such counsel in the original petition, and the assets brought into the hands of the receiver by the services of such counsel, not including the assets turned over to the receiver by defendants under order of the chancellor. Fees of attorney for moving creditor.

Sec. 2. Be it further enacted, That in all cases where a receiver is appointed to take charge of the assets of any person, firm or corporation, the court having jurisdiction thereof shall award to such receiver as full compensation for his services, out of the fund coming into his hands, not more than 8 per cent. of the first \$1,000.00, 4 per cent. of the excess up to \$5,000.00, 3 per cent. on the amount above \$5,000.00 and not exceeding \$10,000.00, and 2 per cent. on all such sums over \$10,000.00; *provided*, that in case the business of an insolvent person, firm or corporation is continued and conducted by a receiver, the judge may allow compensation for such service in lieu of commissions as may be reasonable, not exceeding the compensation Further compensation where business continued.

Receivers' and Attorneys' Fees Regulated.

paid by persons in the usual and regular conduct of such business.

Repealing
clause.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

State Banks Authorized to Issue Obligations Payable in Silver Bullion.

TITLE V.

BANKS AND OTHER CORPORATIONS.

ACTS.

State Banks May Issue Obligations Payable in Silver Bullion.

Private Banks, Examination of.

Amending Act to Authorize Certain Corporations to Become Surety on Attachment and Official Bonds.

Franchises of Insolvent Private Corporation Made Assets and Purchasers Incorporated.

Building and Loan Associations, Deposits by.

Mutual Companies Insuring Against Burglary, Robbery and Other Losses, How Licensed.

Life Insurance Companies on Assessment Plan, Policies of, How Written.

Water Powers, Owners of May Condemn Rights Required for Generating and Using Electricity.

Electric Companies, Protection of.

STATE BANKS AUTHORIZED TO ISSUE OBLIGATIONS PAYABLE IN SILVER BULLION.

No. 361.

An Act to authorize any State bank now existing under the laws of the State of Georgia, or that may hereafter be chartered under the laws of this State, to make, sell and deliver obligations of said bank, payable in merchandise silver bullion, at retail, and to create a lien in favor of the holder of said obligations, and to provide for the defense of said banks by the Attorney-General of the State from any taxation by reason thereof, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act any State bank now existing under the laws of the State of Georgia, or that may hereafter be chartered under the laws of this State, may make, sell and deliver to any person or persons, who may purchase the same, the ^{May issue obligations}

State Banks Authorized to Issue Obligations Payable in Silver Bullion.

obligations of said bank in such sums as said bank may desire; said obligations to be signed by such officer of said bank as may be designated by it for that purpose and be directed to such other officer of said bank as may be selected by it. Said obligations shall be payable to the person or persons purchasing the same, or bearer, to the amount named in said obligations in merchandise silver bullion at retail; said obligations shall not be less than $7\frac{1}{2}$ inches long and $3\frac{1}{2}$ inches wide, and shall not be in similitude, in color or design of national bank notes or Federal currency; and shall be so printed or engraved as to be easily distinguishable therefrom. Said obligations shall not be issued by any bank to an amount greater than 50 per cent. of the fully paid-up, unimpaired capital stock of said bank.

Payable in silver bullion.

Shall not simulate national bank bills or currency.

Amount of issue.

Sec. 2. Be it further enacted by the authority aforesaid, That all of the property, both real and personal, of any bank selling obligations of the kind and description hereinbefore set forth in paragraph 1 of this Act, shall be, and the same are, hereby pledged, and a lien is hereby created thereon, for the payment of the obligations aforesaid in favor of the holders thereof, and said lien so created on the property of said bank, both real and personal as aforesaid, is hereby declared to be a prior lien to any judgment or decree, or lien whatsoever, except taxes due the State or any county or municipality thereof.

Lien.

Sec. 3. Be it further enacted, That whenever the president of any State bank shall notify the Governor that any tax whatever is sought to be enforced against said bank, by reason of said bank having taken advantage of the provisions of this Act, it shall be the duty of the Governor to at once instruct and require the Attorney-General of the State of Georgia to take whatever legal steps may be necessary to prevent said bank from the payment of said tax.

Attorney-General shall prevent enforcement of tax.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 22, 1897.

PRIVATE BANKS, EXAMINATION OF.

No. 356.

An Act to provide for the examination of private banks by the Bank Examiner of the State, to compel the making of statements as now required of incorporated banks, to provide for punishment, a penalty for failure or refusal to comply therewith, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act all person or persons, firm or firms, doing a banking business in this State, or advertising itself, himself or themselves as doing a banking business, shall be subject to an examination by the State Bank Examiners, and shall make reports as are now required of the incorporated banks. Private banks, examination of by State examiners.

Sec. 2. Be it further enacted, That all person or persons, firm or firms, doing such banking business or advertising to do the same, shall have stamped upon their stationery, letter-heads and envelopes the following words: "Not Incorporated." "Not incorporated."

Sec. 3. Be it further enacted, That the phrase "banking business" used in this Act shall be construed to mean the buying or selling, exchange, making collections or receiving deposits.

Sec. 4. Be it further enacted, That for the failure or refusal to comply with the provisions of the first section of this Act such person or persons, firm or firms, engaged in such banking business shall be liable to all the penalties imposed upon the incorporated banks, as provided for in the 1913 section of the Code of Georgia; and for failure to comply with the provisions of the second section of this Act such person or persons and the members of such firm or firms shall be deemed guilty of a misdemeanor, and shall be punished as prescribed in the 1039 section of the Code of Georgia. Penalty for non-compliance.

Sec. 5. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with Act be, and the same are, hereby repealed. Repealing clause.

Approved December 21, 1897.

Amending Act of 1896, Authorizing Certain Corporations to be Surety on Certain Bonds.

AMENDING ACT OF 1896 AUTHORIZING CERTAIN CORPORATIONS
TO BE SURETY ON ATTACHMENT AND OFFICIAL BONDS.

No. 363.

An Act to amend paragraph one of section three (as printed in the Acts of 1896) of an Act entitled an Act to authorize solvent guarantee companies, surety companies, fidelity insurance companies and fidelity and deposit companies to become surety upon attachment bonds and upon the bonds of city, county and State officers, and providing remedies against such bonds, and for other purposes, approved December 24, 1896, by striking from the fifteenth line of said section the word "fifty" and inserting in lieu thereof the words "twenty-five," and for other purposes.

Sec. 3 of
Act of Dec.
24, 1896,
amended.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act paragraph one of section three (as printed in the Act of 1896) of an Act authorizing certain corporations to be surety on attachment and official bonds, approved December 24, 1896, the title of which Act is fully set forth in the caption of this Act, be, and the same is, hereby amended by striking from line fifteen in said section the word "fifty" and inserting in lieu thereof the words "twenty-five," so that said section thus amended shall read as follows: That in case of default upon any bond upon which such companies as securities, then the city, county and State authorities shall have all the remedies against the principal and sureties upon said bonds as are now provided by law, including the right to issue *fi. fas.* instantan as now provided by law.

\$25,000
deposit
required.

Be it further enacted, That all companies herein described, chartered by this State or other States or foreign governments, now doing business in this State or hereafter doing business in this State, which offers or undertakes to become security upon any bond required by law of city, county and State officers, before being accepted as surety thereon, shall be required to deposit with the Treasurer of this State bonds of the United States or bonds of this State, which, according to the acts and resolutions of the General Assembly, are valid and which amount according to their face value to twenty-five thousand dollars, which funds shall be receipted for by the State Treasurer and especially deposited by him in the vaults of the treas-

Corporations, Private, Franchises Made Assets, Purchasers of, Incorporated.

ury, and whenever such company ceases to do business in this State and has settled up all claims against it, as hereinafter provided, and have been released from all the bonds upon which they have been taken, said bonds shall be delivered up to the proper party on presentation of the Treasurer's receipt.

Sec. 2. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

CORPORATIONS, PRIVATE, FRANCHISES MADE ASSETS, PURCHASERS OF, INCORPORATED.

No. 373.

An Act authorizing a judicial sale of the franchises of insolvent private corporations, providing for the incorporation of the purchaser or purchasers of such franchise, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That whenever any private corporation heretofore or hereafter created under any general or special law of this State shall become insolvent, and its assets be the subject of administration by the court, the franchises possessed and enjoyed by such corporation in virtue of its charter or order of incorporation shall be considered assets, and the same may be sold, under order of the court, through a receiver or otherwise. ^{Franchises of insolvent private corporations made saleable assets.}

Sec. 2. Be it further enacted, That the purchaser or purchasers of such franchises, their associates, successors and assigns, shall, upon complying with the requirements of this Act, have and acquire, and may thereafter exercise and enjoy the same rights, privileges, immunities and advantages conferred in the charter or order of incorporation of such insolvent corporation, as fully and absolutely, in all respects, as the former company might or could have had and enjoyed the same had no such sale and purchase taken place; *provided*, that nothing in this Act shall be construed to reserve to such purchaser or purchasers any exemption from State, county or municipal taxation, or any special rights, privileges or immunities inconsistent with the Constitution of this State. ^{Purchasers of may be incorporated. Prov. so.}

 Deposit of Securities by Building and Loan Associations.

Purchasers may organize. Sec. 3. Be it further enacted, That such purchasers, their associates and assigns, may organize anew in the manner prescribed by law.

Repealing clause. Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 21, 1897.

 DEPOSIT OF SECURITIES BY BUILDING AND LOAN ASSOCIATIONS.

No. 357.

An Act to regulate the deposit of securities by building and loan associations incorporated under the laws of this State which do business within and without the State, and all such associations organized under the laws of other States and doing business in this State.

Shall deposit with State depository or trust company. Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That all building and loan associations incorporated under the laws of this State which do business within and without the State, and all such associations organized under the laws of other States and doing business in this State, and which are required by law to make deposit of securities, be, and they are, hereby required to deposit and keep on deposit with some one of the legally authorized State depositories of this State, or with a legally incorporated and duly authorized trust company, to be selected by the board of directors of such association, in trust for all its members and creditors, seventy-five per cent. of the amount of all mortgages or other securities received by it in the usual course of its business. Such securities to be held and kept by such depository as now required by law.

Seventy-five per cent. of mortgages. State Treasurer shall not accept deposit nor make examination. Certificate of depository. Sec. 2. Be it further enacted, That the Treasurer of the State shall not be permitted to accept and hold the deposit of securities as herein provided for, nor shall he be required to make any examination of the affairs of said association, to ascertain whether said associations have deposited seventy-five per cent. of all their securities and otherwise complied with the requirements of law, but the certificate of the particular depository or trust company that such deposit has been made by the particu-

Deposit of Securities by Building and Loan Associations.

lar association shall be sufficient evidence of that fact to the Treasurer. The certificate issued by such depository or trust company shall state on its face that the securities so deposited have not been examined by any State authority in order to ascertain whether or not seventy-five per cent. of the assets of such association have been deposited.

Sec. 3. Be it further enacted, That every association depos- Fees.
iting securities with a State depository or trust company, as provided for by law, shall annually pay to said depository or trust company a fee of fifty dollars.

Sec. 4. Be it further enacted, That nothing herein contained shall be construed to relieve any building or loan association from making reports of its condition to the State Treasurer and paying the fees now required by law to be paid upon the filing of such reports. Not relieve from reports and fees now required.

Sec. 5. Be it further enacted, That all building and loan as- Deposits removed from treasury
sociations having deposits of securities with the State Treasurer shall be required to remove same within thirty days after the passage of this Act and deposit them as herein directed.

Sec. 6. Be it further enacted, That any mortgage (or other security) which shall have been fully paid to said association, or which the borrower desires to pay off and discharge, and any mortgage (or other security) upon which default in the payment due has been made and of which said association shall desire possession for the purpose of collection or foreclosure, and all securities needed by it for deposit in any other State, territory or nation, shall be surrendered by said State depository or trust company to the association depositing the same, upon filing with the said depository or trust company the affidavit of the president and secretary thereof, stating reason or reasons for desiring to withdraw such security or securities, and such security or securities shall not be used for any purpose other than that stated in the affidavit; *provided*, that when said association is dissolved, according to the provisions of its charter, and ceases to do business, all securities deposited by it shall be returned to it upon furnishing said State depository or trust company with satisfactory evidence of the fact of the dissolution as aforesaid. Securities surrendered upon dissolution.
Bonds or stocks deposited with said State depository or trust company, as aforesaid, shall, if deemed advisable by the association, be surrendered to the association depositing the same for the purpose of being converted into cash and loaned on real estate. Bonds or stocks surrendered.

To Provide for Licensing Mutual Insurance Companies, Insuring Against Loss by Burglary, etc.

Repealing clause. Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Approved December 21, 1897.

TO PROVIDE FOR LICENSING MUTUAL INSURANCE COMPANIES,
INSURING AGAINST LOSS BY BURGLARY, ETC.

No. 385.

An Act to provide for the admission and license to do business in this State of any insurance company organized and incorporated on the mutual plan under the laws of this State or any other State of the United States for the purpose of insuring against loss or damage resulting from burglary, robbery or attempt thereat, and insuring against the loss of money and securities in course of transportation when shipped by registered mail, and for other purposes.

Mutual companies insuring against burglary, etc., licensed. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority aforesaid, That any insurance company organized and incorporated on the mutual plan under the laws of this State and any other State of the United States for the purpose of insuring against loss or damage resulting from burglary and robbery or attempt thereat, and insuring against the loss of money and securities in course of transportation when shipped by registered mail, shall be admitted and licensed to do business in this State as hereinafter provided.

Conditions. Sec. 2. Be it further enacted by the authority aforesaid, That before any such company shall be permitted and licensed to transact business in this State it shall have in force five hundred (500) or more policies on which the premium shall have been paid in cash, or shall be evidenced by the written contracts of the policy-holders, on which not less than one-fifth ($\frac{1}{5}$) of the amount shall have been paid in cash, and the cash and net face value of contracts for premiums on hand shall amount to a sum of not less than fifty thousand (\$50,000). The premium contracts so held shall constitute a part of the assets of the company.

Shall file copy charter and statement with Insurance Commissioner. Sec. 3. Be it further enacted by the authority aforesaid, That every such company, association or partnership shall file in the office of Commissioner of Insurance a certified copy of their charter or deed of settlement, together with a statement under

To Provide for Licensing Mutual Insurance Companies, Insuring Against Loss by Burglary, etc

oath of the president and vice-president and secretary of the company for which he or they may act, stating the name of the company and place where located, a detailed statement of its assets, showing the number of policy-holders, aggregate amount of premium contracts, the amount of cash on hand in bank or in the hand of agents, the amount of real estate and how the same is incumbered by mortgage, the number of shares of stock of every kind owned by the company, the par and market value of the same, amount loaned on bond and mortgage, the amount loaned on other securities, stating the kind and the amount loaned on each, and the estimated value of the whole amount of such securities, and any other assets or property of the company; also stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as illegal and fraudulent and all other claims existing against the company; also a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any such company whose reinsurance reserve, as required in this Act, is impaired to the extent of twenty per cent. thereof while such deficiency shall continue. Nor shall it be lawful for any agent or agents to act for any company or companies referred to in this Act, directly or indirectly, in taking risks or transacting the business of burglary and robbery insurance or the insurance of the safe shipping of money and securities by registered mail in this State, without procuring from the Commissioner of Insurance a certificate of authority, stating that such company has complied with all the requisitions of this Act which apply to such companies, and the name of the attorney appointed to act for the company.

Impaired
reserve.

Agents.

Sec. 4. Be it further enacted by the authority aforesaid, That any company permitted and licensed to transact business in this State under this Act shall confine its line of business to that stated in the first section of this Act, and shall confine its business in this State to banks, bankers, loan companies and county treasurers, and shall not issue any policy or policies to any persons, firms or corporations in this State other than banks, bankers, loan companies and county treasurers. Every such company shall set aside a reinsurance reserve of fifty per cent. of its premiums, whether collected in cash or represented by obligations of the policy-holders, as written in its policies; this reinsurance reserve to be maintained so long as the risk is in force.

Business
confined to
certain
lines and
persons.

Reserve.

To Provide for Licensing Mutual Insurance Companies, Insuring Against Loss by Burglary, etc.

Liability of
policy-
holders.

Sec. 5. Be it further enacted by the authority aforesaid, That policy-holders of any company permitted to transact business in this State under this Act shall be held liable to pay the membership fee and premium on their insurance as paid or contracted to be paid at the time the policy is taken out or the risk begins, and shall not be held liable for any other or further assessments or claims on the part of the company or its policy-holders. The membership fee and premium agreed upon may be collected in cash at the time the policy is issued or evidenced by a written obligation of the policy-holder as may be agreed upon by the company and the policy-holder. Such payment or obligation shall be the limit of the liability of the policy-holder to the company for premium on their insurance.

Shall ap-
point attor-
ney.

Service of
process.

Sec. 6. Be it further enacted by the authority aforesaid, That it shall not be lawful for any insurance company, association or partnership incorporated by or organized under the laws of any other State of the United States, for any of the purposes specified in this Act, directly or indirectly, to take risks or to transact any business of insurance in this State, by any agent or agents in this State, until it shall first appoint an attorney in this State on whom process of law can be served, and file in the office of the Insurance Commissioner a written instrument, duly signed and sealed, certifying such appointment, which shall continue until another attorney be substituted, and any process issued by any court of record in this State, and served upon such attorney by the proper officer of the county in which such attorney may reside or may be found, shall be deemed a sufficient service of process upon such company, but service of process upon such company may also be made in any other manner provided by law.

Annual
statements.

Sec. 7. Be it further enacted by the authority aforesaid, That the statement and evidences of membership, assets and investments required by section three (3) of this Act, shall be renewed from year to year in such manner and form as may be required by said Insurance Commissioner, with an additional statement of the amount of premiums received in this State during the preceding year, so long as such agent continues, and the said Insurance Commissioner, on being satisfied that the membership, assets, securities and investments remain secure, as heretofore mentioned, shall furnish a renewal of the certificate as aforesaid, upon the payment to the State at the time of filing the statement here provided for and a fee of five dollars for each corporation, and twenty-five dollars for each foreign corpora-

Life Insurance Companies on Assessment Plan. Policies of, how Written.

tion. Any violation of any of the provisions of this Act shall subject the party violating the same to a penalty of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). Penalty for violations.

Sec. 8. Be it further enacted by the authority aforesaid, That all laws and parts of laws be, and the same are, hereby repealed. Repealing clause.

Approved December 21, 1897.

LIFE INSURANCE COMPANIES ON ASSESSMENT PLAN. POLICIES OF, HOW WRITTEN.

No. 364.

An Act requiring corporations doing a life insurance business in the State of Georgia upon the assessment plan to print on all their policies or benefit certificates the words "This contract is issued upon the assessment plan," and also to print the words "Assessment plan" upon every application, circular, card, advertisement and other printed documents.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act every policy or certificate issued to a resident of the State of Georgia by any corporation transacting therein the business of life insurance upon the assessment plan, or admitted into this State under the assessment laws of Georgia, shall print in bold type (in red ink) in every policy or certificate issued upon the life or lives of the citizens of Georgia, making one of the principal lines near the top thereof, the words "Issued upon the assessment plan;" and the words "Assessment plan" shall be printed conspicuously (in red ink) in or upon every application, circular, card, advertisement and other printed documents issued, circulated or caused to be circulated by such corporation within the State. Shall print on policies.

Sec. 2. Be it further enacted, That if any such corporation or association shall at any time fail or refuse to comply with the foregoing provisions of section 1 of this Act, the Insurance Commissioner shall forthwith suspend or revoke all authority to such corporation or association and all its agents to do business in this State, and shall publish such revocation in some newspaper published in this State. "Issued upon the assessment plan," "Assessment plan" shall be printed on all other matter.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Revokes authority to do business. Revocation shall be published. Repealing clause.

Approved December 21, 1897.

Water-powers, Owners of may Condemn Rights Required for Generating and Using Electricity.

**WATER-POWERS, OWNERS OF MAY CONDEMN RIGHTS REQUIRED
FOR GENERATING AND USING ELECTRICITY.**

No. 187.

An Act to authorize corporations or individuals owning or controlling any water-power in this State, or location for steam plant hereinafter mentioned, and operating or constructing, or preparing to construct thereon a plant or works for generating electricity by water or steam power, to be used for the purpose of lighting towns or cities, or supplying motive power to railroads or street-car lines, or supplying light, heat or power to the public, to purchase, lease or condemn rights-of-way or other easements necessary for such purposes upon the lands of others upon first paying just compensation to the owners of the land to be affected.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act any corporation or individual owning or controlling any water-power in this State, or location for steam plant herein after mentioned, and operating or constructing or preparing to construct thereon a plant or works for generating electricity by water or steam-power, to be used for the purpose of lighting towns or cities, or supplying motive power to railroads or street-car lines, or supplying light, heat or power to the public, shall have the right to purchase, lease or condemn rights-of-way or other easements upon the lands of others in order to run lines of wires, maintain dams, flow-back water, or for other uses necessary to said purposes, upon first paying just compensation to the owners of the land to be affected.

Companies
or individ-
uals gener-
ating elec-
tricity for
use of
public.

May con-
demn
rights of
way, etc.

Condemna-
tion under
Code,
§§4657-4686.

Sec. 2. Be it further enacted, That if said corporation or individual does not, by contract, procure the easements, right-of-way or other interest on property provided for in the first section of this Act, they shall have the right to acquire or condemn the same in accordance with, and subject to, the provisions of the Code of 1895, from section 4657 to section 4686 inclusive, as embodied in the Act of the General Assembly of this State approved December 18th, 1894, as therein prescribed for railroad, telegraph, canal, mining and water-works companies.

Sec. 3. Be it further enacted, That the power given under

Electrical Companies, Protection of.

this Act shall not be used to interfere with any mill or factory actually in operation.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Shall not interfere with mill or factory.
Repealing clause.

Approved December 7, 1897.

ELECTRICAL COMPANIES, PROTECTION OF.

No. 367.

An Act to protect companies engaged in the manufacture of electricity in this State for lighting or power purposes in the use of apparatus employed in generating, transmitting, measuring or using the same, to prevent persons from unlawfully diverting and using such electric current, to prescribe a penalty for the violation of the provisions of said Act, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That whoever unlawfully and intentionally injures or destroys, or permits to be injured or destroyed, any meter, pipe, conduit, wire, line, post, lamp or other apparatus belonging to a company engaged in the manufacture or sale of electricity for lighting or power purposes, or unlawfully and intentionally prevents an electric meter from duly registering the quantity of electricity supplied, or in any way interferes with its proper action or just registration, or, without the consent of such company, unlawfully and intentionally diverts any electric current from any wire of such company, or otherwise unlawfully and intentionally uses or causes to be used, without the consent of such company, any electricity manufactured or distributed by such company, shall for every such offense be punished as provided in section 1039 of the third volume of the Code of 1895.

Injuring property.

Interfering with meter.

Diverting current.

Punishment.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 21, 1897.

TITLE VI.

MISCELLANEOUS.

ACTS.

Prison Commission Created.
Bona fide Holder of Land Entitled to Value of Improvements against True Owner.
 Patent or Proprietary Rights, Contracts for sale of.
 Bonds of Counties and Municipalities, how Validated.
 Applicants for Admission to the Bar, how Examined.
 Stafford's Calendar made Legal Evidence.
 Election Contests in Removal of County Sites.
 School Books, Board of Education may Contract Therefor.
 County Boards of Education, Seals for.
 State Library Commission Created.
 Incorporation of Towns and Villages.
 Registration for Special Elections.
 Shooting on Excursion Trains or at Picnics Prohibited.
 Fees of Constables for Carrying Prisoners to Jail.
 Arresting Officer shall not Procure Dismissal of Warrant.
 Destruction of House by Explosives.
 Public Roads, Injuring Prohibited.
 Opossums, for Protection of.
 Vaccination, County and Municipal Authorities may Enforce.
 Adjutant-General and Assistant Adjutant-General, Rank of.
 State Memorial Board, Act Creating Amended.
 Confederate Cemeteries, for Investigating Condition of.
 Pensions to Confederate Soldiers and Widows, Residents of this State.
 Roster of all Companies from Georgia in Confederate Service.
 Public Roads, Condemnation of Land for.
 Teachers in Common Schools, how Paid.
 Ceding to United States Rights to Construct Roadway in Town of Ringgold and County of
 Catoosa.
 Lunatic Asylum, Name Changed.
 Assistant Physicians at Lunatic Asylum, Competitive Examinations for Open to Women.
 Department of Horticulture and Pomology Added to Department of Agriculture.
 Commercial Fertilizers, how Branded and Graded.
 State Geologist, Act to Provide for Amended.
 Railroads, for Protection of Against Tramps.
 Northeastern Railroad, Authorizing Sale of.
 Jefferson Davis' Birthday, a Public Holiday.
 Board of Dental Examiners Established.

Prison Commission Created.

PRISON COMMISSION CREATED.

No. 340.

An Act to create a Prison Commission for the State of Georgia; to define their duties, powers and compensation; to provide for the purchase of certain lands, and for the erection thereon of a penitentiary and appurtenances in which to keep and maintain certain State convicts; to provide for the utilization of convict labor thereon; to purchase property necessary to carry out said purposes; to provide for the hiring of certain convicts; to abolish the offices of principal keeper and assistant keeper of the penitentiary and physician of the penitentiary; to provide an appropriation to carry out the purposes of this Act; to place the misdemeanor convicts under the supervision of the Commission, and for other purposes.

Section 1. The General Assembly of Georgia do enact, That within thirty (30) days from the passage of this Act the Governor shall appoint three (3) intelligent and upright citizens, from different sections of the State, who shall be known as the Prison Commission of the State of Georgia, and who shall hold office until their respective successors are elected and qualified as hereinafter provided. At the next general election in October, 1898, one Commissioner shall be elected, and at each following general election one Commissioner shall be elected. The Commission so appointed by the Governor shall cast lots and determine which of the said Commissioners shall hold office until the general election in October, 1898, which shall hold until the general election of 1900, and which shall hold until the general election of 1902, and until their respective successors are elected and qualified.

Sec. 2. Be it further enacted, That the terms of office of the Commissioners elected by the people shall be for a period of six years. In case of any vacancy, the same shall be filled by executive appointment, and the Commissioners so appointed shall hold their office until the next regular election and until their successors for the remainder of their unexpired terms have been elected and qualified. The Commissioners shall elect one of their number chairman.

Sec. 3. Be it further enacted, That before entering upon the discharge of the duties of their office, each Commissioner shall take the oath required by all public officers, and shall execute a bond, with good security, in the sum of five thousand dollars (\$5,000.00),

Prison Commission, how constituted.

Terms of office.

Vacancies, how filled.

Chairman of commission.

Oath and bond of commissioners.

Prison Commission Created.

payable to the Governor of Georgia and his successors in office, conditioned for the faithful performance of the duties devolving upon him, which bond shall be approved by the Governor, and filed and recorded as other bonds.

Salaries
and ex-
penses of
commis-
sioners.

Sec. 4. Be it further enacted, That the Commissioners shall receive as salaries the sum of \$2,000.00 each per annum, and in addition thereto actual traveling expenses while in the discharge of their duties, which salaries shall be paid as other State House officers are now paid, and their traveling expenses by warrants upon itemized bills, certified by the Board and approved by the Comptroller-General.

Office for.

Clerk of
and his
salary.

Sec. 5. Be it further enacted, That the Commission shall have an office in the Capitol, and such books, stationery, stamps and other office supplies as may be needed shall be provided as such supplies are now furnished to the other State House officers. They shall select a clerk, whose duty shall be determined by the Board, whose compensation shall not exceed \$1,200.00 per annum, and in addition thereto actual traveling expenses while in the discharge of his duties, and who shall hold office at the pleasure of the Board.

Control
and super-
vision of
convicts.

Guards and
officers.

Contract
of hire.

Misde-
meanor
convicts,
supervision of.

Sec. 6. Be it further enacted, That the Commission shall have complete management and control of the State convicts, shall regulate the hours of their labor, the manner and extent of their punishment, the variety quality, and quantity of their food, the kind and character of their clothing, and shall make such other rules and regulations as will insure their safe keeping and proper care; and to appoint such officers, guards and physicians as may be necessary: *Provided*, that the guards so appointed shall not receive a greater sum than \$25.00 each per month, and the officers and physicians so appointed shall not receive a greater sum than \$100.00 each per month; *provided further*, that any person or corporation, having hired any convicts under the provisions of this Act, and failing or refusing to comply with the regulations of the Commission, shall forfeit all rights under any contract of hiring, and in their discretion said Commission shall have power and authority to take from said hirer the convicts so hired, and rehire the same under the provisions of this Act. The Commission shall likewise have general supervision of the misdemeanor convicts of the State. It shall be the duty of one of the Commissioners, or, in case of an emergency, an officer designated by them, to visit, from time to time, at least quarterly, the various camps where misdemeanor convicts are at work, and shall advise with the county or municipal authorities working them, in making and altering the rules for the

Prison Commission Created.

government, control and management of said convicts ; and in case the county or municipal authorities and such Commission fail to agree upon the management, government or control of the same, the Governor shall prescribe such rules ; and if the county or municipal authorities fail to comply with such rules, then the Governor, with the Commission, shall take such convicts from the said county or municipal authorities, and deliver them to some other county or municipal authority complying with the rules and regulations prescribed by the Governor ; and in the event no county or municipal authorities shall desire them, then they shall be worked as the Commission may designate.

Sec. 7. Be it further enacted, That the said Commission is hereby constituted a board of pardons, whose duty shall be to investigate all applicants for executive clemency, and make recommendation to the Governor regarding the granting of the same. Their recommendations shall not be confined to the convicts who make application for pardons, but they are authorized upon their own motion to investigate and recommend executive clemency in every case deserving it.

Sec. 8. Be it further enacted, That as soon as practicable after the appointment of the Commission, they shall advertise in three daily papers of the State, and, if they deem it necessary, in several, not exceeding ten, weekly papers, once a week for eight consecutive weeks, for the purchase of not less than two and not more than five thousand acres of land, in one body, or in several bodies, located in different parts of the State, the aggregate not to exceed five thousand acres, which shall be accessible by railroad. At the time specified by them in said advertisement, they shall receive written offers of sale for such a tract or tracts of land, which offers shall be accompanied by a perfect abstract of title, together with a topographical map of land showing the kind and quality of the clay, the stone, the water-power, the water supply and the railroad facilities. The Commission is hereby authorized to reject any and all offers made, or to accept the one which, after a careful inspection and examination, can be purchased the most cheaply, all other requirements being equal. But no purchase shall be made until the abstract of title has been examined and approved by the Attorney-General. Before any purchase is made, the Commission is empowered to make such contracts with any railroad in the State for the purpose of procuring proper railroad facilities in transporting freight and convicts to such point on said tract or tracts of land as may be deemed necessary ; but no contract shall be made incurring a greater cost to the State than reasonable tariff rates in

Commission a Board of Pardons.

Shall advertise for land, not less than 2,000 acres nor more than 5,000 acres.

Abstract of title.

Contract for transportation.

Prison Commission Created.

Stockades
and build-
ings to be
erected.
For female,
young and
infirm con-
victs.

transporting freight and passengers to and from said point. The Commission shall have erected on said land so purchased suitable buildings, stockades and appurtenances for the safe keeping and care of the following classes of convicts: Females, boys under fifteen years of age, and such aged, infirm or diseased convicts as, in the judgment of the Commission, should not be hired out: *Provided*, that the Commission shall have power and authority, in its discretion, to take from any hirer any convict whom they have hired out and to place such convict upon the farm herein provided for, relieving such hirer of that part of the hire of such convict for the time during which such hirer is thus deprived of the services of such convict; *provided further*, that said Commission shall likewise have power and authority, in its discretion, to take from said farm any boy upon his reaching the age of fifteen, or thereafter, and hiring him out as other convicts are to be hired under the provisions of this Act. Said Commission shall provide:

Male and
female con-
victs separ-
ated.

(a) For the keeping of the male and female convicts separate and apart, so that they may not come in contact with each other.

Convicts
under 15
years separ-
ated from
others.

(b) For the keeping separate and apart from the other inmates of the prison, minors under the age of fifteen years.

White and
colored
convicts
separated.

(c) For the keeping separate and apart of white and colored convicts when not at work, and when actually engaged in work to be kept separate and apart as far as practicable.

Sleeping
apart-
ments.

(d) To provide a separate compartment for sleeping purposes for each convict, so that no physical communication can be had one with another after the hours of retiring. The Commission is authorized to contract for and purchase such furniture, machinery, utensils, implements, live stock and other equipments as may be found necessary to carry out the intention of this Act, and to contract for and construct such water supply and heating arrangements as may be necessary. The Commission shall sell, to the best advantage, all surplus products of the penitentiary, and shall apply the proceeds thereof to the maintenance of the institution as far as necessary. Should any surplus funds arise from this source they shall be paid into the State treasury annually, and the Commission shall, at the end of each quarter, make to the Governor a detailed report of all such transactions; *provided*, the Commission shall have authority to furnish such surplus products, or any part thereof, to the State Asylum for the Insane, at Milledgeville, the Academy for the Blind, at Macon, and to the School for the Deaf, at Cave Spring, should this be found practicable.

Furniture,
machinery,
etc., to be
bought.

Water sup-
ply and
heating
arrange-
ments.

Surplus
products to
be sold.

Quarterly
reports.

Surplus
products,
disposi-
tion of.

If any lease
be for-
feited, dis-
position of
convicts.

Sec. 9. Be it further enacted, That if by reason of the forfeiture of any lease contract now in existence any portion of the convicts

Prison Commission Created.

should be retaken by the State from the present lessees before the lease contract expires, the Commission may, in their discretion, place said convicts so retaken upon said land, making suitable arrangements for their care and maintenance, and utilize their labor in erecting the buildings, stockades and appurtenances heretofore provided for, or such other labor as the Commission deem profitable; or if equitable arrangements can be made with any of said lessees whereby the State may resume control of such portion of the convicts as may be needed for this purpose, the Commission is authorized to make such arrangements and use said convicts in the manner and for the purpose specified, but no such arrangement shall be made unless it will be cheaper to the State than free labor.

Sec. 10. Be it further enacted, That should the authorities of any county or any municipal corporation in this State desire to utilize any number of State or felony convicts on the public roads or works in their respective counties or municipal corporations, said authorities may file with said Commission a requisition stating the number wanted, the kind of work to be done and the term for which they will be wanted, which requisition must be filed with said Board by the 10th day of August, 1898, and said Commission is hereby authorized to furnish said county authorities the number so required. After the year 1898 the said requisitions shall be filed by the Commission in the order in which same are received, and the convicts furnished thereon as the Commission may be able, respect being had to the amount offered. The convicts furnished under this section shall be short-term (not over two years) men, and physically able to do the work required of them. In no event shall any county be furnished with felony convicts whose authorities fail to work its own misdemeanor convicts on the public roads or public works. Should such requisition be made, and the convicts furnished, the county or municipal authorities shall provide, without cost to the State, all transportation, maintenance, guards and other necessities, and shall pay to the State not less than thirty-six dollars per annum for each convict, to be collected and applied as the hire of convicts as hereinafter provided. The said convicts shall be governed and controlled by the rules and regulations provided by the Commission.

Felony convicts may be leased to counties or municipalities.

Price for convicts leased to counties or cities.

Sec. 11. Be it further enacted, That at the same time that advertisements are published for the purchase of land, as provided by section 8 of this Act, said Commission shall run a similar advertisement offering for hire, for terms not longer than five years, all the convicts not embraced in section 8 of this Act, and not furnished the county authorities, as provided by section 10, to be em-

Lease of other convicts.

Prison Commission Created.

ployed at any labor consistent with reasonable punishment and the physical ability of the convicts: *Provided*, that the convicts shall, as far as possible consistent with the best interest of the State, be so worked that the products of their labor shall come least in competition with that of free labor; *provided further*, that in no case shall convicts be worked in factories where women are employed; the State furnishing all guards, physicians, the hirer furnishing transportation, maintenance, medicine, clothing and all other necessities, and such buildings as may be required (which shall be stated in the advertisement), and paying quarterly for the annual labor of the convicts at an agreed price per annum per capita. At the time fixed in said advertisement the Commission shall award said convicts, or any of them, to the bidder or bidders who offer the highest and best price for the labor, but may reject any and all of said bids, and may make any other contract of hiring on the plan specified which, in their judgment, will carry out the intentions of this Act and subserve the best interest of the State. Any hirer shall have the right to sublet, by and with the consent of the Commission, any number or all the convicts hired by him, provided that there shall be no additional expense to the State. The Commission, in hiring the convicts, may contract with one or more persons or companies, but no bids for less than fifty nor more than five hundred convicts shall be received; and all convicts sentenced after April 1st, 1899, to the penitentiary shall be disposed of by the Commission under and by virtue of the provisions of this Act. All contracts made shall provide for suitable bond, with security, to be approved by the Commission, to be made by the hiring person or company, payable to the Governor and his successors in office, in an amount to be fixed by the Commission, conditional for the faithful payment of the hire and observance of the contract and of such rules and regulations as may be adopted by the Commission; and that, whenever any bond is executed by the hirer of said convicts, as herein contemplated, the property of said principal and security or securities on said bond shall be bound from the time of the execution thereof for the payment of any and all liability arising from the breach of said bond. In lieu of a personal bond, the company or individual hiring the convicts may deposit collaterals, consisting of United States bonds, State bonds or municipal bonds, which are acceptable to the Commission; or the company or individual hiring the convicts may give as surety any solvent guarantee company, surety company, fidelity insurance company, or like company, which has complied with the Act of December 24, 1896, authorizing such companies to become surety upon certain bonds,

Quarterly
payments
of hire.Highest
bidder.Hirer may
sub-let.Contracts
for hire of
convicts.Bond of
hirer.

and in case of default, the bonds shall be collectable as provided in said Act of December 24, 1896. Whenever the surety upon any bond shall become doubtful, the Commission shall have authority to provide other good and solvent security, and in default of such security being given, the Commission may forfeit the lease and take charge of the convicts. The hire shall be paid into the treasury of the State at the end of each three months from the date of the hiring, upon a certified statement submitted by the Commission to the Comptroller-General, ten days being allowed to said hirer to pay the hire after such statement has been so filed.

Sec. 12. Be it further enacted, That upon default in the payment of the hire of the convicts as heretofore provided, the Comptroller-General shall issue, instanten, an execution against the principal and his sureties for the amount of hire due, together with all interest and costs. In the event the said contracts of hire are, for any cause, forfeited, the Comptroller-General shall, upon notification by the Commission that forfeiture has occurred, collect, in addition to the hire due as aforesaid, twenty-five per cent. on the bond as liquidated damages, with all costs; which said execution shall be collected as executions against tax-collectors are now collected by law.

Sec. 13. Be it further enacted, That upon the expiration of the present lease contract, the Commission shall place upon the property purchased the females, who shall be put at such labor as is best suited to their sex and strength. They shall also place upon said farm or farms all boys under fifteen years of age, who shall be put at such work as is best suited to their strength and age, making provisions for such moral and manual training as may be conducive to their reformation and restoration to good citizenship. Such aged, infirm or diseased convicts as in the judgment of the Commission should not be hired out, and such others as may be needed or reserved by said Commission, shall be put at such labor as the Commission may direct. The convicts required by the county or municipal authorities for public works therein shall be delivered to said county or municipal authorities, and the residue shall be put at labor on the contracts of hiring made as herein provided.

Sec. 14. Be it further enacted, That on the assembling of the General Assembly of 1898, said Commission shall lay before that body a detailed report, showing what property has been purchased by them, what contracts have been made for the hire of convicts, and an itemized report of all expenditures made by them, and shall annually thereafter make reports to the

 Prison Commission Created.

General Assembly of their acts and doings. They shall also formulate such rules and regulations as may be deemed best for the government of the penitentiary in conformity with this Act, and recommend such legislation as may be needed to carry out their plans.

Offices of
Principal
Keeper,
Assistant
Keeper and
Physician
of peni-
tentiary
abolished.

Sec. 15. Be it further enacted, That the duties of the principal keeper of the penitentiary and the assistant keeper of the penitentiary, as now provided by law, shall devolve upon the Commission hereby created, and immediately upon the appointment and qualification of the members of said Commission, the office of principal keeper of the penitentiary and the office of assistant keeper of the penitentiary and the office of physician of the penitentiary shall be abolished.

\$50,000.00
appropri-
ated.

Sec. 16. Be it further enacted, That to carry out the provisions of this Act, the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, is hereby appropriated, and the Governor is hereby authorized to draw his warrant on the Treasurer for the same out of any money in the treasury.

Repealing
clause.

Sec. 17. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

Bona Fide Holder of Land Entitled to Value of Improvements Against True Owner.

BONA FIDE HOLDER OF LAND ENTITLED TO VALUE OF IMPROVEMENTS AGAINST TRUE OWNER.

No. 342.

An Act to permit defendants in actions for the recovery of land held *bona fide* under adverse claim of title to set off the value of permanent improvements *bona fide* placed thereon, and to recover a verdict for the value of such improvements in excess of the mesne profits whenever the legal title is found to be in the plaintiff; such verdict to also find the value of the land itself at the time of the trial and to give the plaintiff the alternate right either to recover the premises subject to the payment to the defendant of such excess of value of improvements over mesne profits, or else to have the premises sold by a commissioner appointed by the court and the proceeds of such sale divided between plaintiff and defendant in the ratio or proportion that the said value of the land itself bears to the amount of said excess of value of improvements over the mesne profits, or else to recover the said value of the land itself, together with the amount of any excess of value of mesne profits over the value of said improvements, and in case the plaintiff elects to recover the said value of the land itself and the amount of excess of value of mesne profits over improvements, the *fi. fa.* issued upon the verdict and judgment shall be levied upon said land and improvements, and same shall be sold by the sheriff after due advertisement under the law governing sheriff's sales; the purchaser of said premises, whether the same shall be sold by a commissioner appointed by the court or by the sheriff under *fi. fa.* as herein provided, to acquire all the right, title and interest in the land and improvements owned and possessed by the plaintiff or defendant, and the court in all such cases to mould a decree to fully carry out and effectuate the verdict, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That in all cases where an action has been brought for the recovery of land, the defendant who has *bona fide* possession of such land under adverse claim of title may set off the value of all permanent improvements *bona fide* placed thereon by himself or other *bona fide* claimants under whom he claims, Suits for
land.

Bona Fide Ho'der of Land Entitled to Value of Improvements Against True Owner.

Bona fide
holder may
recover
value of
improve-
ments.

and in case the legal title to the land is found to be in the plaintiff, if the value of such improvements at the time of the trial exceeds the mesne profits, the jury may render a verdict in favor of the plaintiff for the land and in favor of the defendant for the amount of the excess of the value of said improvements over the mesne profits. Such verdict shall also find the value of the land itself at the time of the trial, and shall give the plaintiff the alternate right either to have and recover the premises, subject to the payment to the defendant of such excess of value of improvements over mesne profits, such payment to be made by the plaintiff to the defendant within such time as may be fixed by the court in the decree; and in the event the plaintiff fails to make such payment within the time allowed in said decree, then the defendant shall have the right to pay to the plaintiff the value of the land and the mesne profits that shall be found due plaintiff by the jury on the trial of said case; such payment by the defendant shall be made within such time as the court may direct by its decree. In all cases in which such set-off of improvements are sought in excess of mesne profits, the jury shall have the right to fix the time from which mesne profits shall be allowed, and upon the defendant making such payment to the plaintiff, with all court costs of the proceedings, the defendant shall then acquire and have all the rights and titles the plaintiff had and held in and to the property in dispute, and the court may by its decree require the plaintiff to make such titles to the lands in dispute as may be necessary in the premises; or else to have the premises sold by a commissioner appointed by the court, and the proceeds of such sale divided between the plaintiff and defendant in the ratio or proportion that the said value of the land itself bears to the amount of said excess of value of improvements over the mesne profits, or else to recover the said value of the land itself, together with the amount of any excess of the value of the mesne profits over and above the value of said improvements; and in case the plaintiff elects to recover the said value of the land itself, together with the amount of the excess of value of mesne profits over the value of said improvements, then the *fi. fa.* issued upon the verdict and judgment therein entered shall be levied upon the said land and improvements, and the same shall be sold by the sheriff after due advertisement under the law governing sheriff's sales. The purchaser of said premises, whether the same shall be sold by a commissioner appointed by the court or by the sheriff under

 Patent or Proprietary Rights, Contracts for Sale of.

fi. fa. as herein provided, shall acquire all the right, title and interest in said land and improvements owned and possessed by the plaintiff or defendant. In all such cases the court shall mould a decree to fully carry out and effectuate the provisions of the verdict.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 21, 1897.

 PATENT OR PROPRIETARY RIGHTS. CONTRACTS FOR SALE OF.

No. 377.

An Act requiring all promissory notes, or other contracts taken for the purchase price of any patent, copy or proprietary right, or territory for the sale of such right, or any patented thing or article, when sold by any peddler, agent or traveling salesman traveling for the purpose of making sales of such articles, to have expressed in the face of such notes or contracts the article or thing for which the same was given, and to render such notes or contracts void without so doing, and providing that all purchasers of such notes or contracts, where the consideration is so expressed, and whether before due or otherwise, shall take the same with due notice and subject to all the equities existing between the original parties, and to provide a penalty for failure to comply with the provisions of this Act.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act all promissory notes, contracts or other evidences of debt, taken by any person, agent, company or corporation, for the purchase price of any patent, copy or proprietary right, or territory for the sale of any such right, or for the sale of any patented article or thing, or copyrighted article or thing, or where there is a proprietary ownership or right, and sold by such person, agent, company or corporation, through or by any peddler, agent or traveling salesman, traveling for the purpose of making such sales, shall have expressed on the face of such note, contract or other evidence of debt, the consideration of the same, stating the thing or article for which the same was given; *provided*, this Act shall not apply to merchants or man-

Contracts for sale of patent or proprietary rights must express consideration.

 Bonds of Counties and Municipalities, How Validated.

ufacturers selling and delivering such goods directly from their stores or warehouses in the regular course of business.

Purchasers of such contracts take the same subject to equities.

Sec. 2. Be it further enacted, That any person, firm or company or corporation, who may purchase any note, contract or other evidence of debt given for any of the articles or things set forth in section 1 of this Act, when the consideration of said note is expressed in the face thereof as is provided in section 1 of this Act, whether before due and without notice or otherwise, where the consideration is so expressed, shall take the same with all the equities existing between the original parties and the maker of such note, contract or other evidence of debt, shall have the right to make any defense to the payment of same as against such purchasers that could have been made against the original payee.

Penalty.

Sec. 3. Be it further enacted by the authority aforesaid, That all persons violating the provisions of this Act by selling any of the articles mentioned in this Act without expressing in the face of such notes or contracts or other evidence of debt the article or thing for which the same was given shall be guilty of a misdemeanor and on conviction shall be punished as prescribed in section 1039, volume 3, of the Code of Georgia of 1895.

Repealing clause.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

 BONDS OF COUNTIES AND MUNICIPALITIES, HOW VALIDATED.

No. 181.

An Act to provide for the confirming and validating of all bonds which may hereafter be issued for counties, municipalities or divisions, under paragraphs 1 and 2, section 7, article 7, of the Constitution of 1877, and for other purposes.

Bonds of cities and counties, how validated.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, when any county, municipality or division desiring to incur any bonded debt, as prescribed in paragraphs 1 and 2, section 7, article 7 of

the Constitution of 1877, shall hold an election in accordance with the provisions of said Constitution and in accordance with the laws of the State of Georgia now of force, or which may hereafter be of force, controlling and regulating such elections, and the returns of said election shall show *prima facie* that such election is in favor of the issuance of said bonds, the officer or officers of such county, municipality or division, charged by law with the duty of declaring the result of said election, shall, within twenty days after so declaring the result of said election, notify the solicitor-general of the judicial circuit in which such county, municipality or division shall lie, in writing, of the fact that an election for the issuance of bonds was held in such county, municipality or division, and that said election was in favor of the issuance of such bonds, and the service of said notice shall be personal upon said solicitor-general, and in the event he is absent from the said circuit, then said notice shall be served in person upon the Attorney-General of the State of Georgia.

Sec. 2. Be it further enacted, That within twenty days from the date of such services as is provided in the preceding section, the said solicitor-general or the Attorney-General of the State of Georgia, as the case may be, shall prepare and file in the office of the clerk of the superior court of the county in which said election was held a petition, directed to the superior court of said county, in the name of the State of Georgia and against such county, municipality or division, desiring to issue bonds under such election, setting forth the service of said notice, as provided in the preceding section, the name of the county, municipality or division seeking to issue said bonds, the amount of bonds to be issued, for what purpose to be issued, what interest they are to bear, how much principal and interest to be paid annually, when to be paid in full, and the further fact that an election was held for the issuance of said bonds, and that said election is *prima facie* in favor of the issuance of said bonds, and shall obtain from the judge of said court an order requiring said county, municipality or division, by its proper officers, to show cause at such time and place, within twenty days from the filing of said petition, as the judge of said court may direct, why said bonds should not be confirmed and validated, which said petition and order shall be served in the manner now provided by law for the service of petitions upon counties, municipalities or divisions, and to such petition the

By superior
court.

Bonds of Counties and Municipalities, How Validated.

officers of such county, municipality or division shall make sworn answer within the time prescribed herein.

Excep-
tions to
judgment.

Sec. 3. Be it further enacted, That within the time prescribed in said order the judge of said superior court shall proceed to hear and determine all of the questions of law and of fact in said cause, and shall render judgment thereon, and in the event his judgment shall be in favor of the issuance of said bonds, a judgment and order shall be entered to that effect, and any citizen of the State of Georgia, resident in such county, municipality or division, so desiring to issue said bonds, may become a party to said proceedings, and if dissatisfied with the judgment of said court confirming and validating the issuance of said bonds, may except thereto within twenty days from said judgment, as in the case of injunctions, and upon the hearing in the Supreme Court such bill of exception shall be heard in accordance with the practice regulating the hearing of bills of exceptions in criminal cases.

Validation
conclusive.

Sec. 4. Be it further enacted, That in the event no bill of exceptions is filed within the time prescribed herein, or, if filed, is affirmed by the Supreme Court, the judgment of said superior court, so confirming and validating the issuance of said bonds, shall be forever conclusive upon the validity of said bonds against the said county, municipality or division, and the validity of said bonds shall never be called in question in any court in this State.

Proof of
validation.

Sec. 5. Be it further enacted, That said bonds, when issued under the provisions of this Act, shall each and every of them have stamped or written thereon by the proper officers of such county, municipality or division issuing the same, or their agents or servants, the words: "Validated and confirmed by judgment of the superior court," specifying also the date when such judgment was rendered, and the court in which it was rendered, which shall be signed by the clerk of the superior court in which the judgment was rendered, which said entry shall be original evidence of the fact of such judgment and shall be received as original evidence in any court in this State.

Notice of
proceeding
to validate.

Sec. 6. Be it further enacted, That prior to the hearing of said cause, as herein provided for, the clerk of the superior court of the county in which said cause is to be heard, shall publish in a newspaper at least twice before the hearing of said cause a notice to the public that on the day specified in the order providing for the hearing of said cause the same will be heard.

Applicants for Admission to the Bar, How Examined.

Sec. 7. Be it further enacted, That all the costs of said cause ^{Costs.} shall be borne and paid in any event by the county, municipality or division desiring to issue said bonds, and in addition to said costs shall also pay the solicitor-general the sum of twenty-five dollars for his entire services in such cause.

Sec. 8. Be it further enacted, That where any county, municipality or division has already submitted to the qualified voters of such county, municipality or division the question of incurring any bonded indebtedness at an election called for that purpose, and such election has already been declared to have resulted in favor of the issuance of such bonds, and said bonds have not been issued or disposed of, then such county, municipality or division may proceed to issue such bonds, and no court in this State shall have power to inquire into the validity of said bonds by any proceeding at law or in equity which may be brought, unless the same is interposed within thirty days from the date of the passage of this Act. ^{Bonds issued under elections heretofore held.}

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. ^{Repealing clause.}

Approved December 6, 1897.

APPLICANTS FOR ADMISSION TO THE BAR, HOW EXAMINED.

No. 298.

An Act to provide for admission to the bar; how the examination shall be conducted, by whom, and what shall be the requisites for such admission, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the first day of August, 1898, any male person desiring to become a member of the bar of this State shall make written application to a judge of any superior court of this State, accompanying said application with the certificate described in section 2 of this Act. Said applicant shall submit to an examination in writing, which shall be prepared by the Supreme Court, and said court shall determine upon the topics now provided by law, and shall appoint the time or times in each year, within its discretion, when said examinations shall be given. Said examinations shall be conducted under the supervision of the judges of the respective superior courts of ^{Application for admission to bar.} ^{Examination.}

Applicants for Admission to the Bar, How Examined.

this State, under such rules as the Supreme Court may adopt and shall be forwarded to the Supreme Court, who shall pass upon the merits of said examinations and upon the admission of the applicants. The applicant shall sign his examination by number, and in a sealed envelope accompanying said examination shall state the number he has adopted, so that the name of the applicant shall not be known until after his admission or rejection.

Certificate
of char-
acter.

Sec. 2. Be it further enacted, That each candidate for membership shall accompany his examination with a certificate from two practicing members of the bar of the State of Georgia as to his moral character, and those certifying to such character shall further state in said certificate that they have examined the applicant upon the various branches of the law and deem him qualified for admission to the practice of the law. Said certificate of character and qualification shall be sealed with the number assumed by the applicant, so that said name shall not be disclosed until after the grading of such examination.

Graduates
from law
schools and
lawyers
from other
States.

Sec. 3. Be it further enacted, That no person shall be admitted to the practice of the law in this State excepting under the examination herein provided for, but this Act shall not apply to those who have received diplomas from any law school of this State authorized to issue diplomas to students of law, nor shall this Act apply to those who have been admitted to the practice of law in other States which by comity admit to practice the duly licensed lawyers of this State.

License.
how
granted.

Sec. 4. Be it further enacted, That all male persons who have successfully passed the examination, with a proper certificate from the Supreme Court to that effect, may be duly licensed to practice law in this State upon taking the oath now provided by law, and may receive a license to practice upon presentation of said certificate to the clerk of the superior court of his residence upon the payment of the fee now provided.

Supreme
Court may
prescribe
rules.

Sec. 5. Be it further enacted, That the Supreme Court shall have the power to pass such rules as may be necessary to carry into effect the provisions of this Act.

Repealing
clause.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 18, 1897.

Stafford's Calendar Made Legal Evidence.—Election Contests in Removal of County Sites.

STAFFORD'S CALENDAR MADE LEGAL EVIDENCE.

No. 175.

An Act to make Stafford's Office Calendar legal evidence, covering all dates between the years 1490 and 2000, both old and new style, in all the courts of this State.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act Stafford's Office Calendar shall be legal evidence, covering all dates between the years 1490 and 2000, both old and new style, in all the courts of this State; *provided*, that this Act shall not effect any calendar which has heretofore been made legal evidence in this State. Stafford's calendar legal evidence.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 3, 1897.

ELECTION CONTESTS IN REMOVAL OF COUNTY SITES.

No. 134.

An Act to provide for the filing, hearing and determining of contest in elections held for the removal of county sites in this State, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the election for the removal of the county site of any county can and may be contested. The following shall be the proceedings in such contest: Election may be contested.

1st. That not less than seven free-holders voting at such election shall commence a contest, and any person voting at such election may defend such contest. By seven free-holders. By whom defended.

2d. The contestants shall give written notice to the Secretary of State of an intention to contest, and upon receipt of such notice said Secretary shall withhold certifying the result of said election until the contest is decided, or until the time hereinafter prescribed shall have elapsed without the filing of Notice to Secretary of State. Who shall withhold certificate.

Election Contests in Removal of County Sites.

such contest. In all cases the Secretary shall withhold his certificate of the results of the election ten days after said election shall have been held.

3d. That no contest shall be had unless the same be instituted by posting a written notice at the court house door and serving the ordinary personally, or by leaving such notice at his most notorious place of abode, within five days after the day upon which said election is held, which notice must be signed by such contestants in person or by their attorney at law; but no proceedings to take testimony, as hereinafter provided, shall begin until at least five days after the posting of such notice, and said notice shall state the grounds of contest, the time and place where the contestants intend to take testimony, and the judicial officer before whom the testimony will be taken; *provided*, that for providential cause or other sufficient reason any other judicial officer than that named in the notice, qualified to act, may preside at the taking of such testimony, the cause of such change being made to appear by affidavit of one of the contestants, and to be made a part of the record of said case. Said notice may be served upon the ordinary by the sheriff, his deputy or a constable of the county where the contest is pending, who shall be paid by the contestants \$2.00 for the service of notice of contest.

4th. Any judicial officer of the county where the testimony is taken may preside and preserve order, to swear witnesses and to see the testimony is fairly and impartially taken and reduced to writing. Said officer shall have the power to subpoena witnesses and compel their attendance if in this State, issue subpoenas *duces tecum*, and compel the production of books and papers; to issue commission to take testimony; to punish persons for contempt by fine or imprisonment, and to adjourn from day to day; *provided*, all testimony submitted on the part of the contestants shall be taken within forty days from the day of the election contested. Any citizen of the county in which the election was held, who voted in said election, shall have the right to appear and resist the proceedings to contest; *provided*, that where more than one person appears and resists such contest, they shall act jointly and not severally in making defense to said contest.

The contestees, or those resisting the proceedings to contest, shall be allowed fifteen days after the closing of contestants' testimony to submit and take testimony in rebuttal, or on cross grounds. The judicial officer presiding shall be allowed \$2.00

Notice and service.

Within five days.

Notice shall contain, what.

By whom served.

Testimony, how taken.

Duty and powers of presiding officer.

Testimony taken, in what time.

Defence, joint.

Testimony in rebuttal.

Fees.

Election Contests in Removal of County Sites.

per day for his services, and the clerk who takes down the testimony \$2.00 per day for his services, which, with the cost of service of notice and subpoenas herein provided for, may be enforced and collected by execution issued by the judicial officer presiding in said contest against the party at whose instance the testimony is taken or subpoenas issued. Execution for.

5th. Either party may appear in person or by attorney, or both, and examine and cross-examine witnesses and have certified all legal exceptions to the admissibility of testimony submitted by the opposite party, which exceptions shall be passed upon by the court finally determining said contest. Exceptions.

6th. The contestee, or person resisting contest proceedings, may file cross-grounds of contest, in which case he shall give like notice as is required to be given by the contestant, and the testimony on such cross grounds of contest shall be taken after the close of contestant's testimony, and within fifteen days thereafter, upon same notice and in the same manner as is herein prescribed for the taking of testimony for the contestants, and certified by the presiding officer as such. Cross Grounds. Notice.

7th. The contestants shall have five days after the close of the contestee's evidence to introduce evidence in rebuttal. Contestants to rebut in five days.

8th. All papers and proceedings, or copies of them, duly certified by the presiding officer, must be transmitted within ten days after the closing of the testimony so taken to the Secretary of State, who shall hear and determine the same, after giving reasonable notice to contestants and contestees, or parties resisting such contest, or their counsel, of the time and place of hearing, and said Secretary of State shall enter upon his finding in writing and consider said contest proceedings and his judgment thereon in connection with the returns of said election, and certify by written certificate the number of legal votes properly and legally cast at said election for removal, and to what place, and the number of legal votes properly and legally cast against removal. The Secretary of State shall keep on file and preserve all the papers in such contested cases, and transmit the same to the General Assembly when required. Papers transmitted to Secretary of State. Who hears contest. Secretary certifies.

Sec. 2. Be it further enacted, That section 108 of the revised Code of 1895 of this State, specifying the method of obtaining and examining suspected ballots, be, and the same is, hereby made applicable to contests arising under and by virtue of this Act. Papers filed and transmitted to General Assembly. Code, § 108, applied.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved November 9, 1897.

School Books, Boards of Education May Contract Therefor.

SCHOOL BOOKS, BOARDS OF EDUCATION MAY CONTRACT THEREFOR.

No. 305.

An Act to authorize county, city and town boards of education of the several counties, cities and towns in their respective counties and towns under proper rules and regulations, to prescribe and regulate the manner of making changes of books, and correct reports of the same to the State School Commissioner, and for other purposes.

School
books,
boards of
education
may buy
and sell.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of same, That in order to prevent excessive rates of charges for school books that may be used in any of the common or public schools of the State, the county boards of education of the several counties in the State of Georgia shall be, and they are, hereby authorized to purchase directly of the publishers such books as may be needed or adopted for said schools of their respective counties, and said board shall have authority to supply the same to the patrons and pupils of said schools at cost, or at such advance thereon as shall be sufficient to defray the expense of handling. Said board shall have power to contract with local merchants or others for the supply of said books to be retailed at stipulated prices, and, if deemed necessary, they shall require such merchant or other person so contracted with to give bond in such sum as the board may determine to be necessary, in each instance, for the faithful performance of said contract.

May re-
purchase.

Sec. 2. Be it further enacted by the authority aforesaid, That the several county boards that may purchase books as above provided, or such merchant or other person with whom they may contract for the purchase and retail sale thereof, may have authority to re-purchase such books from any child, its parent or guardian, who may desire to change his or her residence to a different county of this State, if thereby the said child should be required to procure other and different books, a proper percentage of deduction being made in each instance for wear and tear of books so re-purchased.

May rent.

Sec. 3. Be it further enacted by the authority aforesaid, That in cases where said Boards of Education shall purchase the books needed in said schools under their control, as herein

 School Books, Boards of Education May Contract Therefor.

provided for, they may rent the same to the pupils at such fees or for such charges as they may deem just and proper, and the boards may make all proper rules to insure the payment of said fees and charges and proper care in the preservation of said books.

Sec. 4. Be it further enacted, That the several county boards of education shall file with the State Board of Education copies of all contracts for school books now existing within thirty days from this Act; and copies of all future contracts for school books entered into by said county boards shall likewise be filed with said State Board within ten days after the same have been entered into. Reports of county boards.

Sec. 5. Be it further enacted, That no county board of education shall be allowed to change or renew any contract for the supply of school books before the expiration of five years from the time that such a contract may be made as above provided for, without first giving sixty days' notice of the intention so to change or renew said contract in one or more of the newspapers published in the county in which such change or renewal is to be made, and if no newspaper is published in said county, then by publishing said notice in the newspaper in which the advertisements of sheriff's sales for said county are published; sixty days' notice of such intended change or renewal shall also be given by said county board to the publishers or dealers with whom the contract at the time thereof may be of force; and no county board shall make such change or renewal except on a vote of three-fourths of its members present in session should such change be desired at any time during the five years covered by original contract. Term of contracts.

Sec. 4. Be it further enacted, That each county board of education shall be required to report annually, on or before the first day of July in each year, to the State School Commissioner the amount of the purchase of all common school books made by such county, to show the prices at which said books are purchased, also the number of each book sold, and the price at which it was sold, together with stock left on hand at the time of such report. Said reports to be made on blanks furnished by the Department of Education, and the same are to be consolidated by the State School Commissioner and made a part of his annual report. Reports of county boards.

Sec. 7. Be it further enacted, That the several boards of education of the cities and towns of the State may, if they severally or any of them so desire, exercise any or all of the pow- Applicable to schools in cities and towns.

County Boards of Education, Seals For.

ers by this Act conferred upon the boards of education of the counties of the State; and in such event, the terms of this Act, so far as necessary to carry into effect the action of such city and town boards of education, are hereby made applicable.

Repealing
clause.

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

COUNTY BOARDS OF EDUCATION, SEALS FOR.

No 176.

An Act creating a seal for the county boards of education, and requiring all county school commissioners to place same on all teachers' license issued from their office, and for other purposes.

Seals for
county
boards of
education.

Section 1. Be it enacted by the General Assembly, and it is hereby enacted by authority of the same, That by the first day of January, after the passage of this Act, the State School Commissioner shall furnish to each county school commissioner in this State a seal that shall be known as the seal of the board of education of the county for which it is furnished.

Teachers'
license
under
seal.

Sec. 2. Be it further enacted by the authority aforesaid, That after the first day of January, 1898, it shall be the duty of every county school commissioner in this State to place upon all teachers' license issued by them the seal of the board of education of the county for which they are commissioner.

Seals, how
paid for.

Sec. 3. Be it further enacted by the authority aforesaid, That to defray the expenses of furnishing said seals to the county school commissioners that the State School Commissioner is authorized to charge the amount to the expense account in which other supplies furnished county school commissioners are charged.

Repealing
clause.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

State Library Commission Created.

STATE LIBRARY COMMISSION CREATED.

No. 295.

An Act to promote the establishment and efficiency of libraries in the State of Georgia, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the Governor shall appoint five persons who shall constitute a State Library Commission, and no person shall be eligible to appointment on said commission who is interested in any publication house or the sale of any book or books, or agent for the same. The members of said commission shall be appointed for a term of three years, and shall annually elect a chairman and a secretary.

Sec. 2. Be it further enacted, That the commission shall give advice and counsel to all libraries in the State and to all communities which may propose to establish them, as to the best means of establishing and administering such libraries, the selection of books, cataloguing and other details of library management, The commission may also send its members to aid in organizing new libraries or improving those already established. The commission shall make biennial reports to the Governor.

Sec. 3. Be it further enacted, That no member of this commission nor the secretary shall receive any compensation for services or traveling expenses as a member of this commission, nor shall the State pay any expenses whatever that may be incurred in any way by this commission.

Sec. 4. Be it further enacted, That this Act shall take effect and be in force from and after its passage and publication.

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

INCORPORATION OF TOWNS AND VILLAGES.

No. 359.

An Act to repeal section 3 of an Act of the General Assembly of Georgia approved February 28, 1874, being an Act to amend an Act entitled, "an Act to prescribe the manner of incorporating towns and villages in this State, approved August 26, 1872, and to extend the provisions of said Act to all towns and villages heretofore established, so far as the same may not be in conflict with the charter of such towns and villages, and to prescribe the manner of surrender or amendment of such charters, and for other purposes.

Act of Feb.
28, 1874,
amended. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That the third section of said Act, which is in these words: "None of the provisions of this Act, nor of the Acts hereinbefore recited, of which this Act is amendatory, shall be deemed applicable to any community, town or village within one mile of the corporate limits of any city in this State," be, and the same is, hereby repealed.

Sec. 2. Be it further enacted by authority of the same, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

NOTE.—See Code, Volume I, section 684, and authority cited.

Registration for Special Elections.

REGISTRATION FOR SPECIAL ELECTIONS.

No. 317.

An Act to amend an Act approved December 17th, 1894, entitled an Act to provide for the registration of voters in this State; to prescribe penalties for certain offenses connected therewith; to make registration a condition precedent to voting; to define certain duties of managers of elections in connection with registration list, and for other purposes; so as to provide that section four of said Act shall apply only to the general elections named therein, and to provide that all persons registered for said general elections shall, if otherwise qualified, be listed for and entitled to vote at any election occurring before the next general election.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That section fourteen of the above described Act of 1891 be, and the same is, hereby amended by adding at the end of said section the words following, to wit:

Sec. 14. Act of 1894, and Sec. 38 of Code, Vol. 1, amended as to registration of voters for special elections.

Except that section four of this Act shall apply only to the general elections named therein.

Except further, that any person who has registered for any general election specified in section four of this Act shall, if otherwise qualified to vote at any election occurring before the next said general election, be listed as hereinafter provided by the registrars named in said Act, and entitled to vote at such intermediate or special election; and except that fifteen days before any special or intermediate election the said tax-collector shall file with the county registrars named in this Act an accurate and complete list of all names signed in said voters' books since January first of that year, and not before filed with said registrars, said lists to be made out and arranged as provided in section five of said Act; and except that in preparing the list of voters for said intermediate or special elections the said registrars shall have reference to the list prepared by them for the last preceding election, and the list furnished to them by the said tax-collector, as prescribed above, which said lists shall by said registrars be purged, as prescribed in section eight of said Act, of the names of all persons who at the time of said intermediate or special elections may not be qualified to vote under the laws of this State.

So that said section when so amended shall read as follows:
Sec. 14. Be it further enacted, That when an election is to be held for any purpose as named in first section of this Act, at any

Law as amended.

Shooting on Excursion Trains or at Picnics Prohibited.

time other than the first Wednesday in October, and the Tuesday next after the first Monday in November, as specified in section four of this Act, the provisions of this Act shall apply in all respects, except that section four of this Act shall apply only to the general elections named therein.

Except further, that any person who has registered for any general election specified in section four of this Act shall, if otherwise qualified to vote at any election occurring before the next said general elections, be listed as hereinafter provided by the registrars named in said Act, and entitled to vote at such intermediate or general election; and except that fifteen days before any intermediate or special election, the said tax-collector shall file with the county registrars named in said Act an accurate and complete list of all names signed in said voters' books since January first of that year, and not before filed with said registrars, said lists to be made out and arranged as provided in section five of this act; and except that in preparing the list of voters for said intermediate or special elections the said registrars shall have reference to the lists prepared by them for the last preceding election and the list furnished to them by the said tax-collector as prescribed above, which said lists shall, by said registrars, be purged as prescribed in section eight of said Act of the names of all persons who at the time of said intermediate or special election may not be qualified to vote under the laws of this State.

This Act
takes effect
when.

Repealing
clause.

Sec. 2. Be it further enacted, That this Act shall not go into effect until thirty days after its approval by the Governor.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved December 20, 1897.

Note.—See Code, Vol. 1, sections 35, 37 and 38.

SHOOTING ON EXCURSION TRAINS OR AT PICNICS PROHIBITED.

No. 282.

An Act to make it unlawful for any person to fire any pistol, gun or other firearm on any excursion train or at any picnic, except in his or her defense, and to prescribe a penalty for violating same, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act it shall be unlawful

Fees of Constable for Carrying Prisoners to Jail.

for any person to fire any pistol, gun or other firearm on any excursion train, or at any picnic, except in his or her defense.

Sec. 2. Be it further enacted, That any violation of this Act shall be a misdemeanor, and upon conviction shall be punished as prescribed in section 1039 of the Criminal Code of Georgia of 1895.

Shooting on excursion trains or at picnics prohibited.
Penalty.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 21, 1897.

FEES OF CONSTABLES FOR CARRYING PRISONERS TO JAIL.

No. 286.

An Act to provide for the payment of services of all constables in this State, in conducting all prisoners committed to common jail in any county from the place of commitment court to the common jail, to prescribe the fees as mileage of such constables and the manner of payment of same by the county authorities respectively having charge of the finances of any county in this State.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act the constables of this State shall be entitled to a fee of fifteen cents per mile, by the most direct route from the place of commitment court to the common jail of any county in this State, for each prisoner committed to jail and delivered to such constable to be delivered to the jailer of any county aforesaid, and when such delivery is made such constable shall make out his bill, charging only for coming to said jail, and swear to the same, and when approved by the ordinary, commissioners of roads and revenues or county judge having charge of the finances of such county, as the case may be, the same shall be paid by the county treasurer of said county.

Fees of constables for carrying prisoners to jail.
15 cents per mile.

How paid.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 16, 1897.

 Arresting Officer Shall Not Procure Dismissal of Warrant.

ARRESTING OFFICER SHALL NOT PROCURE DISMISSAL OF WARRANT.

No. 177.

An Act to prohibit arresting officers in this State from advising or in any way procuring the dismissal or settlement of criminal warrants in their hands for execution, and to provide a penalty for the violation of the provision of this Act, and for other purposes.

Arresting
officer not
to advise
dismissal
of warrant.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act no arresting officer in this State shall advise or encourage the dismissal or settlement of any criminal warrant placed in his hands for execution, either before or after an arrest is made on the same, nor shall such arresting officer procure or encourage the dismissal or settlement of such warrants by threats, duress, intimidation, promises or any other artifice or means.

Nor collect
costs until
warrant is
returned.

Sec. 2. Be it further enacted, That no arresting officer shall collect or receive any costs or other charges of a prosecutor or defendant in a case made on a State's warrant, or of any one acting in the interest of either of them, until the warrant is returned to the court to which it is made returnable; *provided, however*, nothing in this Act shall be construed as prohibiting arresting officers from receiving from prosecutors sums of money sufficient to defray their expenses in going beyond the limits of the bailiwick of such arresting officer to search for or to make the arrest of the offender.

Penalty.

Sec. 3. Be it further enacted, That any person violating the provisions of this Act shall be guilty of a misdemeanor and punished as prescribed in section 1039 of vol. 3 of the Penal Code of Georgia, 1895.

Repealing
clause.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

Destruction of Any House by Explosives Prohibited.

DESTRUCTION OF ANY HOUSE BY EXPLOSIVES PROHIBITED.

No. 332.

An Act to prohibit the wilful and malicious destroying, injuring or attempting to injure or destroy any dwelling house, storehouse, barn, depot or other house or place of business or lodging of any person, with or by the use of dynamite, powder, nitroglycerin or any other explosive substance, and to provide a penalty therefor, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act it shall be unlawful for any person or persons to wilfully and maliciously destroy, injure or attempt to destroy or injure any dwelling house, storehouse, barn, depot or other house or place of business or lodging of any person or being, with or by the use of dynamite, powder, nitroglycerin or any other explosive substance or compound. Destruction of house by explosives prohibited.

Sec. 2. Be it further enacted by the authority aforesaid, That the wilful and malicious destroying or injuring any dwelling house, storehouse, barn, depot or other house or place of business or lodging of any person within the limits of any city or town within this State with or by the use of dynamite, powder, nitroglycerin or other explosive substance or compound, shall be punished with death, but the punishment may be commuted in conformity with section 63 of the Code of the State of Georgia, vol. 3, 1895. Penalty for destruction of house in city.

Sec. 3. Be it further enacted by the authority aforesaid, That the wilful and malicious destroying or injuring any dwelling house, storehouse, barn, depot or other place of business or lodging place of any person, wherein any person shall lodge or reside, or so nearly connected therewith as to endanger the life of any person being or so dwelling therein not within the limits of any city or town, with or by the use of dynamite, powder, nitroglycerin or any other explosive substance or compound, shall be punished with death, but the punishment may be commuted with section 63 of the Code of the State of Georgia, vol. 3, 1895. For destruction of lodging place not in city.

Sec. 4. Be it further enacted by the authority aforesaid, That the wilful and malicious destroying or injuring any dwelling house, storehouse, depot, barn or other house or place of business of any person, wherein no person shall lodge or reside, and not so closely connected with any such dwelling house, storehouse, barn, depot or For destruction of any house not a lodging place.

Public Roads, Injuring Prohibited.

other house, wherein any person shall reside, lodge or be, so as to endanger life, or the wilful and malicious attempting to destroy or injure any dwelling house, storehouse, barn, depot or other house or place of business of any person, with or by the use of dynamite, powder, nitroglycerin or other explosive substance, shall be punished by confinement and hard labor in the penitentiary of this State for not less than one year, nor longer than twenty years.

For destruction
that causes
death.

Sec. 5. Be it further enacted by the authority aforesaid, That the offender of all act of vandalism named in section 1 of this Act, causing death, shall be punished with death, but the punishment may be commuted in conformity with section 63 of the Code of the State of Georgia, vol. 3, 1895.

Repealing
clause.

Sec. 6. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

PUBLIC ROADS, INJURING PROHIBITED.

No. 347.

An Act to prohibit the excavating, tearing up, destroying or injuring paved, macadamized or other public roads of this State, except in the ordinary use thereof, or for the purpose of working or repairing the same by the proper authorities, without the consent of the county commissioners or the ordinary, and to provide a punishment therefor.

Injury to
public
roads pro-
hibited.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act it shall be unlawful to excavate, tear up or otherwise injure or destroy the paved or macadamized roads of this State, except with the consent of the county commissioners or ordinary when the county affairs are in the hands of the ordinary.

Same.

Sec. 2. Be it further enacted, That it shall be unlawful to make any manner of excavation or otherwise injure the public roads of this State, except in the ordinary use thereof, or for the purpose of working or repairing the same by the proper authorities, without first obtaining the consent of the county commissioners or the ordinary if the affairs of the county are in the hands of the ordinary.

Penalty.

Sec. 3. Be it further enacted, That all violations of this Act

Opossums, for Protection of.—Vaccination, County and Municipal Authorities May Enforce.

shall be punished as provided in section 1039, volume 3, of the Code of Georgia for 1895.

Sec. 4. Be it further enacted, That all Acts and parts of Acts in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 21, 1897.

OPOSSUMS, FOR PROTECTION OF.

No. 166.

An Act to prevent the hunting or catching of opossums in this State between the first day of March and the first day of October of each year, to provide a penalty for a violation of the same; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act it shall be unlawful for any person to hunt or catch any opossum in this State between the first day of March and the first day of October of each year, and any person violating the provisions of this Act shall, on conviction therefor, be punished as prescribed in section 1039, volume 3, of the Code of 1895. Hunting opossums from March to October prohibited.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 3, 1897.

VACCINATION, COUNTY AND MUNICIPAL AUTHORITIES MAY ENFORCE.

No. 329.

An Act to authorize and empower county and municipal authorities to enact such regulations or ordinances to provide for enforcing vaccination, and providing for penalty, and other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act all county and municipal County and municipal authorities empowered.

Adjutant-General and Assistant Adjutant-General, Rank of.

To require persons to submit to vaccination.

For preventing spread of smallpox or other disease.

Repealing clause.

authorities in this State shall be authorized and empowered to enact such rules, ordinances or regulations to authorize the proper officials of said municipalities or county authorities to require, under penalty, all persons at the time located in said municipalities or counties to submit to vaccination, in the event the health officers or the proper authorities think it advisable, for the purpose of preventing the spread of smallpox or any other contagious or infectious disease within the State.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

ADJUTANT-GENERAL AND ASSISTANT ADJUTANT-GENERAL,
RANK OF.

No. 353.

AN Act to increase the rank of Adjutant-General and Assistant Adjutant-General of this State.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the Adjutant-General of this State shall rank as a Brigadier-General and the Assistant Adjutant-General as a Colonel, and they shall be commissioned.

Sec. 2. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Approved December 21, 1897.

Rank of adjutant and assistant adjutant-general.

Repealing clause.

State Memorial Board, Act Creating Amended—Confederate Cemeteries, Investigating Condition of.

STATE MEMORIAL BOARD, ACT CREATING AMENDED.

No. 375.

An Act to amend an Act to create a board to be known as the State Memorial Board, to provide for the appointment of the members thereof, and to prescribe the duties of said board, and for other purposes. Approved December 15, 1894, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That the above recited Act be amended by inserting after the word "years" in the fourth line of section 2, the following words, to wit: "Their successors in office to be appointed for terms of four years each," so that the section as amended shall read as follows: That immediately after the passage of this Act the Governor shall appoint two of the members of said board for two years and two of the members of said board for four years, their successors in office to be appointed for terms of four years each; the Adjutant-General of the State of Georgia shall be the other member of said board, and be the *ex officio* chairman of the same, and shall meet and designate one of their number as their secretary. All of said members shall serve without compensation and without expense.

Members of
board ap-
pointed for
4 years.

No com-
pensation.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Repealing
clause.

Approved December 21, 1897.

CONFEDERATE CEMETERIES, INVESTIGATING CONDITION OF.

No. 372.

An Act to require the State Memorial Board to make an investigation of the condition of the different Confederate cemeteries in this State, to make to the Governor a report covering all the information obtained thereby, to appropriate money to pay the expenses of such investigation, and for other purposes.

Section 1. Be it enacted, That as soon as practicable after the passage of this Act the State Memorial Board shall make a thorough investigation of the various Confederate cemeteries located in the State of Georgia.

State
Memorial
Board re-
quired to
investigate
confederate
cemeteries.

Pensions to Confederate Soldiers and Widows Residents of this State.

Report of,
to Gov-
ernor.

Sec. 2. Be it further enacted, That upon the completion of the investigation provided for in section 1, the board shall make to the Governor a detailed report of its work. It shall report the location of all Confederate cemeteries, the number of soldiers buried in each, as nearly as possible, the present condition of each cemetery, and such other information as in its judgment may be of value. It shall recommend such legislation as may be necessary to secure the protection of these cemeteries from trespass, desecration or destruction, and shall submit estimates as to what it would cost the State to put them in good order and keep them so.

To legis-
lature.

Sec. 3. Be it further enacted, That upon the assembling of the General Assembly in 1898, the Governor shall submit a copy of the report, together with such recommendations as he may deem wise, to each branch thereof.

\$500.00 ap-
propriated.

Sec. 4. Be it further enacted, That the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to the State Memorial Board to carry out the provisions of this Act, to be paid out of any money in the treasury not otherwise appropriated.

Repealing
clause.

Sec. 5. Be it further enacted, That all laws in conflict herewith are hereby repealed.

Approved December 21, 1897.

PENSIONS TO CONFEDERATE SOLDIERS AND WIDOWS RESIDENTS
OF THIS STATE.

No. 186.

An Act to authorize the payment to Confederate soldiers and widows of Confederate soldiers, when the same are now residents of this State; *provided*, the service as such soldier was rendered as a member of a Georgia regiment or company, and the applicant for pension is otherwise entitled under the various pension laws.

Pensions
allowed.

If service
rendered as
member of
Georgia
company.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, The Confederate soldiers and widows of Confederate soldiers, who are residents of this State at the date of the approval of this Act, shall be allowed pensions regardless of previous residence, provided the service of such soldier was rendered as a member of a Georgia regi-

Roster of all Companies from Georgia in Confederate Service.

ment or company, and the applicant for pension is otherwise entitled to same under the various pension laws.

Sec. 2. Be it further enacted by the authority aforesaid, That Repealing clause. all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Approved December 6, 1897.

ROSTER OF ALL COMPANIES FROM GEORGIA IN CONFEDERATE SERVICE.

No. 205.

An Act to provide for the procurement of a complete roster by companies of all the troops furnished by the State of Georgia during the late civil war, and to have said roster recorded in the county from which said troops were raised, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That on or before the first day of February, 1898, next, the ordinary of each county in this State shall appoint a committee of three from the survivors, whether resident of said county or not, to be known as the "roster committee" of each company raised in said county during the late civil war actually engaged in the Confederate service, or in the service of the said State and of the militia that were in actual service. Roster committees to be appointed in each county.

Sec. 2. Be it further enacted, That said committee from each company shall be appointed on the recommendation of the survivors thereof, and vacancies therein shall be filled in the same manner; *provided*, said survivors shall recommend said committee before said first day of February, 1898, or a successor within twenty days after the vacancy occurs. How appointed.

Sec. 3. Be it further enacted, That it shall be the duty of said committee on or before the first day of August, 1898, to prepare and file with the ordinary a complete roster of said company; that on failure to file said report by said day, the ordinary may by a rule for contempt compel the filing thereof, on a day to be fixed by him. Duties of committees.

Sec. 4. Be it further enacted, That said roster shall contain a complete list of every member of said company who went into actual service during said war, arranged in alphabetical order, and opposite the name of each member shall be a brief statement of the Contents of roster.

Roster of all Companies from Georgia in Confederate Service.

time of enlistment, the rank at the time of enlistment, and the rank obtained thereafter; if transferred to or from another command, when and to what command; if wounded, when and where; if discharged, for what cause; if died in service, the time and cause; if captured, where and when; if imprisoned, when and where, and when exchanged.

Contents of
roster.

Sec. 5. Be it further enacted, That said roster shall likewise contain a brief statement of the regiment, battalion or legion to which said company was attached, and in what battles engaged.

Forms for
rosters.

Sec. 6. Be it further enacted, That it shall be the duty of the Governor to prepare and furnish to the ordinaries, who shall furnish the same to said committees, suitable forms upon which said rosters are to be compiled.

Filing of
roster to be
advertised.

Sec. 7. Be it further enacted, That immediately after the filing of said roster by said committee with the ordinary, it shall be the duty of the ordinary to give public notice of the filing by advertising the same in the newspaper in which sheriff sales are advertised, once a week for four weeks.

Errors in
roster, how
corrected.

Sec. 8. Be it further enacted, That at any time within four months thereafter any survivor or descendant of any of the members of said company, or representatives of said member, may file, in writing, objections to said report, pointing out specifically any error either of omission or commission therein, and upon the expiration of said four months notice shall be given to said committee by the ordinary requiring them to appear at a place and on a day to be fixed, not exceeding sixty days thereafter, which notice shall contain a copy of all of said objections, and shall be served upon said committee at least twenty days before the day of hearing, and shall require said committee on said day of hearing to show cause why their report should not be amended in accordance with said objections. Notice shall also be given by said ordinary of the time and place of said hearing of said objectors.

Sec. 9. Be it further enacted, That on said hearing, if the committee approve of said objections, the report shall be amended in conformity therewith. If the committee refuse to so agree, an issue shall be made up and tried by the court of ordinary as other cases are tried, and if he should sustain said objection, or any part thereof, he shall amend said report in conformity with his findings.

How ap-
proved and
recorded.

Sec. 10. Be it further enacted, If no objections are filed, or when the issue made on objections are disposed of, the ordinary shall then approve said report and file the same with the clerk of the superior court of said county, who shall report the same to

Public Roads, Condemnation of Land for.

the presiding judge at the next term of said court, who shall examine the same, and if regular, pass an order requiring the same to be recorded on the final records of said court.

Sec. 11. Be it further enacted, That a transcript of said record shall be competent evidence and shall be *prima facie* true. Transcript of record evidence.

Sec. 12. Be it further enacted, That all the expenses of said proceedings shall be paid as court expenses are paid out of the county funds; that the ordinary shall receive for all services in his action upon the roster of each company, where no objections are filed, the sum of three dollars, and for all services where objections are filed the sum of five dollars, in addition thereto; that the clerk of the superior court shall receive for recording said roster ten cents for each one hundred words; that the sheriff shall receive for serving notice upon each member of said committee thirty-five cents. Expense of proceedings, how paid. Fees of ordinary, clerk and sheriff.

Sec. 13. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 9, 1897.

PUBLIC ROADS, CONDEMNATION OF LAND FOR.

No. 200.

An Act to authorize the county authorities of this State, in all cases when it shall become necessary, to condemn land for the purpose of macadamizing public roads for the use of the public and for public convenience, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, in all cases when it shall become necessary to condemn land in any county of this State for the purpose of macadamizing public roads for the use and convenience of the public, the county authorities shall have power and authority to condemn lands of private persons or corporations so as to increase the width of said roads to fifty feet. Public roads, condemnation of lands for.

Sec. 2. Be it further enacted, That whenever it shall become necessary to condemn lands under the first section of this Act, the manner of procedure shall be under existing laws of the State, with the exception that five days' notice to the owner or owners of land sought to be condemned under this Act shall be deemed sufficient; How made.

 Teachers in Common Schools, How Paid.

and provided further, that the county shall bear the expense of condemnation inclusive of damages assessed.

Repealing
clause.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 8, 1897.

 TEACHERS IN COMMON SCHOOLS, HOW PAID.

No. 188.

An Act to authorize the Treasurer of the State to draw on any funds in the State treasury to the amount of \$400,000, to be used in paying the teachers as provided by law, and for other purposes.

Teachers in
common
schools,
how paid.

Section 1. Be it enacted by the General Assembly of Georgia, That in order to make the apportionment of the school fund as provided by law, and in order to make quarterly payments to the teachers in the common schools of the State, the Treasurer of the State is hereby authorized and directed to draw on the first day of April of each and every year the sum of \$400,000 to pay the teachers quarterly, the same to be repaid from the school fund when the same shall be paid into the treasury.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Approved December 8, 1897.

Ceding to United States Right to Construct Roadway.—Lunatic Asylum, Name Changed.

**CEDING TO UNITED STATES RIGHT TO CONSTRUCT ROADWAY
IN TOWN OF RINGGOLD AND COUNTY OF CATOOSA.**

No. 248.

An Act to grant and cede to the United States the right and authority to construct and maintain a public highway, of chert or other substantial material, in, upon and through the public streets of the town of Ringgold, in the county of Catoosa, State of Georgia, and the public road or roads of said county; *provided*, the municipal and county authorities of said town and county consent thereto.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is enacted by authority of the same, That the right and authority is hereby granted and ceded to the United States to construct and maintain a public highway or road of chert or other substantial material, in, upon and through the public streets of the town of Ringgold, in the county of Catoosa, State of Georgia, and along and upon the public road or roads in said county from the corporate limits of said town to and through Ringgold Gap on the east of said town; *provided*, the municipal and county authorities of said town and county consent thereto.

Right to
construct
roadway
ceded to
U. S.

Sec. 2. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing
clause.

Approved December 16, 1897.

LUNATIC ASYLUM, NAME CHANGED.

No. 369.

An Act to change the name of the Georgia Lunatic Asylum.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the first day of September, eighteen hundred and ninety-eight, the name of the Georgia Lunatic Asylum shall be changed to the Georgia State Sanitarium.

Name of
lunatic
asylum
changed.

Sec. 2. Be it further enacted by the authority aforesaid, That it shall be the duty of the trustees of said institution to make such

Trustees
to make
change.

Assistant Physicians at Lunatic Asylum, Competitive Examinations for, Open to Women.

Repealing
clause.

changes in the books, papers and legal instruments of said institution as shall make them conform to the provisions of this Act.

Sec. 3. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

ASSISTANT PHYSICIANS AT LUNATIC ASYLUM, COMPETITIVE EXAMINATIONS FOR, OPEN TO WOMEN.

No. 193.

An Act to provide for the admission of women physicians to written competitive examinations with male physicians in filling any vacancy which may occur in the corps of assistant physicians at the Lunatic Asylum in this State, to limit the number of women physicians on such corps of assistant physicians, to require public notice to be given of such competitive examinations, to require the employment of the applicant who, other necessary qualifications being considered, shall make the highest general average in such examination to fill such vacancy, and for other purposes.

Assistant
physicians
at lunatic
asylum,
competitive
examina-
tions for,
open to
men and
women.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That in the event of a vacancy in the corps of assistant physicians at the State Lunatic Asylum by death, removal or resignation, it shall be the duty of the board of trustees to give thirty days' notice in two of the leading public gazettes of this State of such vacancy, and that a written competitive examination will be held on a day and at a place to be named in said notice, for the purpose of filling such vacancy. Further, that such competitive examination will be open to all physicians in good standing, whether women or men, such notice shall moreover give the term of office and salary attached to said office.

Examina-
tions, how
conducted.

Sec. 2. Be it further enacted by the authority aforesaid, That the competitive examination provided for in section one of this Act shall be conducted by a board of physicians in pursuance of the requirements clearly outlined in section one of an Act, approved October 17th, 1891, entitled, "An Act to regulate the appointment and term of office and removal of physicians of the Lunatic Asylum," and the applicant who, other necessary qualifications

Department of Horticulture and Pomology Added to Department of Agriculture.

being considered, shall make the highest general average in such competitive examination, whether woman or man, shall be employed to fill such vacancy.

Sec. 3. Be it further enacted, That as it is the purpose of this Act to have at least one woman physician as assistant physician at said asylum, it shall be the duty of the board of trustees, in the event that a woman physician be employed in pursuance of the requirements of section two of this Act, to fill the first vacancy that may occur in the corps of assistant physicians aforesaid, to suspend the competitive examinations provided for by this Act; but, should a man be employed, then the next vacancy shall be open, through written competitive examination, to men and women physicians alike.

A woman to be appointed to fill first vacancy.

Sec. 4. Be it further enacted, That the term of office of such assistant physician, employed under the terms of this Act, shall be two years, unless sooner removed for cause. The salary of such assistant physician shall be the same as that which attached to the position at the time the vacancy occurred. In the event a woman physician is employed to fill such vacancy, the board of trustees shall assign her to duty in the line of her profession.

Term of office and salary.

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 8, 1897.

DEPARTMENT OF HORTICULTURE AND POMOLOGY ADDED TO
DEPARTMENT OF AGRICULTURE.

No. 346.

An Act to require the Commissioner of Agriculture to establish a special department of Horticulture and Pomology, to employ an entomologist, fix his salary and define his duties, to provide for inspection of fruit trees, fruit, vineyard, melon and vegetable farms, and prevent, diminish and destroy contagious diseases and destructive insects in orchards, vineyards and other places; to provide boards of arbitratoin, fix their powers, define their duties, and provide for their costs; to provide funds for the maintenance of said department, to prescribe penalties for violations, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, the Commissioner of

Department of Horticulture and Pomology Added to Department of Agriculture.

Department of Horticulture and Pomology added to Department of Agriculture.

Agriculture of this State shall establish and operate a special department of Horticulture and Pomology in connection with and to be a part of the Department of Agriculture, and said special department to be under the direct control and management of the Commissioner of Agriculture, who shall formulate such rules and regulations as he may deem best for the success of said special department and the carrying out of the purposes and intent of this Act.

Entomologist, appointment of.

Sec. 2. Be it further enacted, That the Commissioner of Agriculture shall employ and appoint one competent person, who shall be recommended by the State Horticultural Society, and who shall be an entomologist especially qualified by practical experience and a thorough knowledge of horticultural and pomological science, for the term of two years, to assist him in operating said special department and perform such duties as may be required of him by the Commissioner of Agriculture in connection with said special department.

Term of.

Duties of.

Sec. 3. It shall be the duty of said entomologist after subscribing to an oath for the faithful performance of all duties required of him by direction of Commissioner of Agriculture, to encourage practical Horticulture and Pomology in this State; to collect, compile, compose and distribute information and statistics on these subjects of a practical, specific and general character among the fruit and vegetable growers of the State; to visit horticultural, fruit, melon and vegetable growing sections of the State, to inspect orchards, fruit trees, vineyards, melon farms, vegetable farms, nurseries, plants, grafts, scions, packing houses, fruit cars, fruit packages, boxes and other materials used for handling, marketing and shipping fruits, melons and vegetables.

Reports of.

Sec. 4. Said entomologist shall upon discovery of any infectious or contagious disease or insect pests, injuries to fruit trees, melons, vineyards, plants or vegetables, report the same in detail to the Commissioner of Agriculture, together with all the information he can obtain by correspondence, books, practical experience, personal observation or otherwise, as to origin, effect, habit, experience with, treatment of and remedies for such diseases, pests or infections, and shall make such suggestions as will tend to diminish or destroy such diseases and insect pests, and perform such other act and duties, by direction of the Commissioner of Agriculture, as will subserve the public good in extension and protection of the Horticultural and Pomological interest of the State.

Complaints of infection to be investigated.

Sec. 5. Be it further enacted, That when complaint is made or information comes to the Commissioner of Agriculture that there

 Department of Horticulture and Pomology Added to Department of Agriculture.

exists in any orchard, fruit trees, vineyard, melon farm, vegetable farm, fruit packing-house, store-room, sales-room, or any other place in this State, infectious or contagious diseases, or that are infected with destructive insects, or the eggs or larvæ of such insects, or that any package of trees, fruit or plants are in transit to this State, or in the State, being or to be distributed, which are known or suspected to be from localities that are infected with contagious diseases, pests or insects which are injurious to the fruit, melon or vegetable interest of this State, he shall cause the entomologist to inspect the premises or property to which such complaint or information relates, and if the same be found to be diseased or infected, as aforesaid, the Commissioner of Agriculture shall order, in writing, the person or persons owning or having in charge the premises or property so infected, to destroy, disinfect or remove from the State the same, as he deems for the best interest of the State, within five days after the receipt of said notice.

Sec. 6. Be it further enacted, That any person or persons receiving notice from the Commissioner of Agriculture to destroy, remove or disinfect any such diseased or infected premises or property, shall within five days from the receipt thereof destroy, remove or disinfect any such diseased or infected premises or property, shall within five days from the receipt thereof destroy, remove or disinfect any such diseased or infected premises or property, and notify him that the same has been done; or, should said person or persons so notified object to compliance with the order of the Commissioner of Agriculture, he shall, within five days from the receipt of said notice, inform said Commissioner, in writing, setting forth his objections and reasons for refusal to comply with his order. It shall then be the duty of said Commissioner to notify said objector of his intention to arbitrate the case, as hereinafter provided.

Sec. 7. Be it further enacted, That in all cases of disagreement, arising under this Act, between the Commissioner of Agriculture and any person or persons objecting to the execution of his order in reference to destroying, removing, or disinfecting property, the Commissioner of Agriculture shall select one person, the objector shall select one person, and the said two, so selected, shall select a third person, all of whom shall be citizens of the county of this State where the cause pending originated, and they shall be and are hereby constituted a board of arbitration with power to try any case arising under this Act.

Sec. 8. Be it further enacted, That said Board of Arbitrators, when appointed, after taking the usual oath of Arbitrators, shall immediately notify all parties at interest of the day, time and

Department of Horticulture and Pomology Added to Department of Agriculture.

Decision,
how en-
forced.

place of their meeting, to try said cause; and they shall take testimony, try and adjudge said matter and render their decision, in writing, to both the objector and Commissioner of Agriculture; and if their decision be against the objector, they shall place the order of the Commissioner of Agriculture, in reference thereto, in the hands of the sheriff, or his deputy, who shall immediately proceed to execute the same, and collect all costs of said trial, including one dollar each for the Arbitrators, from the objector; but, if their decision shall be in favor of the objector, then all costs, including the sum of one dollar each for the Arbitrators, to be paid by the county in which said cause was tried. Said board shall have power to subpoena and require the presence of such witnesses as may be needed in any investigation pending before them, in the same manner as justices of the peace may do.

Penalty for
violation of
this act.

Sec. 9. Be it further enacted, That any person or persons refusing or failing to obey the order of the Commissioner of Agriculture, in reference to destroying, removal, or disinfection of premises or property in their possession, infected or diseased as aforesaid, and who shall fail to notify said Commissioner, as heretofore provided, or shall refuse to appoint an Arbitrator, or arbitrate said cause, as provided in this Act, or shall hinder or prevent the sheriff, or his deputy, from executing said order, or shall prevent the entomologist from entering upon premises, or inspecting property suspected or known to be diseased or infected, shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section 1039, volume 3, of the Code of 1895.

Salary of
Entomolo-
gist.

Sec. 10. Be it further enacted, That the sum of twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary, shall become and is hereby made a charge against the annual appropriation of ten thousand dollars, which latter was made for the purpose of carrying out the designs for which the Department of Agriculture was instituted; and the said twenty-five hundred dollars shall be used by the Commissioner of Agriculture to pay an annual salary, not to exceed fifteen hundred dollars (\$1,500) per annum to an entomologist, and to pay the actual and necessary expenses of said special Horticultural and Pomological Department, not to exceed the sum of one thousand dollars.

And ex-
pense of
depart-
ment.

Repealing
clause.

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

Commercial Fertilizers, How Branded and Graded.—State Geologist, Act to Provide for Amended.

COMMERCIAL FERTILIZERS, HOW BRANDED AND GRADED.

No. 358.

An Act to prescribe three grades of complete commercial fertilizers, for the branding of same upon each sack or package of fertilizers, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act it shall be unlawful to sell any complete commercial fertilizers in this State unless the grade of same is branded upon each sack or package thereof in letters not less than one inch. Commercial fertilizers, how branded.

Sec. 2. Be it further enacted, That the grades of such fertilizers shall be divided into three, to wit: "High grade," which shall contain not less than fourteen per cent. of plant food; "Standard grade," which shall contain not less than twelve per cent. of plant food, and "Low grade," which shall contain not less than ten per cent. of plant food; *provided*, this Act shall not go into effect until after the first day of August, 1898. How graded.

Sec. 3. Be it further enacted, That a failure to comply with the requirements of this Act shall subject the seller thereof to all the pains and penalties now of force for failure to have fertilizers properly inspected. Penalty for violation of this act.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 21, 1897.

STATE GEOLOGIST, ACT TO PROVIDE FOR AMENDED.

No. 383.

An Act to amend section five of an Act to revive the office of State Geologist, and to provide for a geological, mineralogical and physical survey of the State of Georgia, and for other purposes, approved November 12, 1889, so as to strike out the words "and the Commissioner of Agriculture shall furnish the clerical work required by the State Geologist," and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the

Railroads, for Protection of Against Tramps.

Act to provide for State Geologist amended.

Office of.

Repealing clause.

same, That from and after the passage of this Act that section 5 of an Act to revive the office of State Geologist, and to provide for a geological, mineralogical and physical survey of the State of Georgia, and for other purposes, shall be so amended as to read as follows: "Section 5. Be it further enacted, That the State Geologist shall keep his office in a room to be set aside for that purpose by the Governor."

Sec. 2. Be it further enacted by the authority of the same, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 22, 1897.

RAILROADS, FOR PROTECTION OF AGAINST TRAMPS.

No. 355.

An Act to prevent tramps or others from stealing or attempting to steal a ride on railroad trains, and for other purposes.

Stealing rides on trains prohibited.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act it shall be unlawful for any person to ride or to attempt to ride on a railroad train of any character who conceals himself from the conductor or train authorities, by hiding under the train, or upon the top of the train, or in box cars, on tenders, or elsewhere, for the purpose of avoiding the payment of fare or of stealing a ride thereon.

Penalty.

Sec. 2. Be it further enacted by the authority aforesaid, That any person found guilty of violating the first section of this Act shall be punished as for a misdemeanor in any county in which such offense is committed.

Repealing clause.

Sec. 3. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

Northeastern Railroad, Authorizing Sale of.

NORTHEASTERN RAILROAD, AUTHORIZING SALE OF.

No. 366.

An Act to authorize the sale of the Northeastern Railroad, and to confer powers and duties on the Governor thereto, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That at any time after the passage of this Act the Governor is authorized and empowered, after advertising the same for thirty days in four daily newspapers, to be selected by himself, to offer for sale, to the highest bidder, all the property of the Northeastern Railroad of Georgia, consisting of its road-bed, right of way, side-tracks, rails, crossties, station houses, rolling stock, real estate, equipment, and all property, rights, privileges and franchises pertaining to the railroad. Said advertisement shall request that sealed bids for the purchase of said railroad be sent to the Governor on or before a day and time to be appointed by him, under such rules and regulations as to said bids as may be prescribed by him. The offering of said railroad for sale and the failure to secure a purchaser shall in no wise limit the power of the Governor to again offer the same for sale at such time or times as in his discretion he may deem to the best interest of the State. The minimum price at which said property may be sold shall be Two Hundred and Eighty-seven Thousand Dollars, on such terms as to payment as are hereinafter provided, and the Governor shall have the right to reject any and all bids.

Sec. 2. Be it further enacted by the authority aforesaid, That each bidder for said property, as a prerequisite to having his bid entertained, shall deposit with his bid a certified check on some solvent bank in the State of Georgia for the sum of five thousand dollars, payable to the Treasurer of the State. Such checks so deposited by unsuccessful bidders shall be returned to them, and the checks so deposited by the successful bidder shall be retained by the Governor and applied as part payment of the first payment for said property as hereinafter provided; but in the event such successful bidder shall fail to make said first payment within the time required, said check and the sum of money represented by it shall stand as a forfeit and shall become at once the property of the State.

Governor to advertise.

Bids.

May advertise again.

Minimum price, \$287,000.

Bidders to deposit \$5,000.

Successful bidder forfeits if first payment not made.

Northeastern Railroad, Authorizing Sale of.

Terms
of sale.

Sec. 3. Be it further enacted by the authority aforesaid, That the purchaser of said property shall be required to pay for the same as follows: Fifty thousand dollars in cash within thirty days from the date of sale, and of the remaining amount of the purchase price there shall be paid the sum of twenty thousand dollars per year for five years, the same to be paid annually on the day in each year corresponding to the date of the first payment; and the remainder of said purchase price shall be paid on the first day of January in the year nineteen hundred and fifteen. The deferred payments shall bear interest at the rate of three and one-half per centum per annum, to be paid semi-annually. The Governor is hereby vested with power to make other and different terms of payment if in his discretion the same may be done without injury to the interests of the State; *provided*, that in no event shall less than fifty thousand dollars be received as the first payment. The title to said property shall remain in the State until all the deferred payments shall have been fully paid. The purchaser shall have the right to pay any or all of the deferred payments at any semi-annual interest paid. In case of default of any deferred payment or any interest payment when due, the State shall have the right to enter upon and seize said property, and said purchaser and those under him shall be dispossessed, and all moneys which may have been paid by such purchaser shall belong to the State as payment for the lease of said property for the time previous to said default, and such purchaser shall no longer have any right or interest in said property, but the title and possession thereof shall be and remain absolute in the State.

Governor
may vary.

Title to re-
main in
State.

Purchaser
may pay
deferred
payments.

In default
of pay-
ment,
State may
seize.

Payments
forfeited.

Governor
to make
title.

Sec. 4. Be it further enacted by the authority aforesaid, That when the sale has been consummated in accordance with the terms of this Act, and all of its conditions have been complied with, the Governor is authorized and directed to make to the purchaser a fee simple title to said property.

Property
becomes
subject to
taxation.

Sec. 5. Be it further enacted by the authority aforesaid, That when said property shall have been bid-in and the first payment made as hereinbefore provided, said property shall immediately become subject to taxation as other railroad property in this State.

Sec. 6. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

Jefferson Davis' Birthday a Public Holiday.—Board of Dental Examiners Established.

JEFFERSON DAVIS' BIRTHDAY A PUBLIC HOLIDAY.

No. 272.

An Act to declare the third day of June of each year, commonly known as the birthday of Jefferson Davis, a public holiday in this State.

Section 1. Be it enacted by the General Assembly, That ^{June 3 in} from and after the passage of this Act that the third day of ^{each year} June of each year, commonly known as the birthday of Jeffer- ^{declared a} son Davis, be, and the same is, hereby declared a public ^{public} holiday ^{holiday.} in this State.

Sec. 2. Be it further enacted, That all laws and parts of laws ^{Repealing} in conflict with this Act be, and the same are, hereby repealed. ^{clause.}
 Approved December 16, 1897.

BOARD OF DENTAL EXAMINERS ESTABLISHED.

No. 223.

An Act to establish a Board of Dental Examiners, prescribe its powers and duties, and to regulate dentistry and the practice thereof, and to repeal existing laws regulating the same, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That ^{License to} it shall be unlawful for any person to engage in the practice of den- ^{practice} tistry in the State of Georgia unless said person shall have ob- ^{dentistry.} tained a license from a board of dental examiners, duly author- ized and appointed under the provisions of this Act to issue licenses; *provided*, that this Act shall not effect the right under the laws of Georgia of dentists to practice dentistry who have lawful right to practice dentistry at the time of the passage of this Act.

Sec. 2. Be it further enacted, That a board of examiners is hereby created to be known as the Board of Dental Examiners of ^{Board of} Georgia. The members of the board shall be appointed by the ^{Dental Ex-} Governor of Georgia upon the recommendation of the Georgia ^{aminers,} State Dental Society as follows, to wit: ^{how ap-} ^{pointed,}

Board of Dental Examiners Established.

The State Dental Society shall nominate, at its first annual meeting after the passage of this Act, ten reputable practicing dentists, who have been in the practice of dentistry in this State for five years or over at the time of their appointment, five of whom shall be members of the State Dental Society of this State, and five non-members. From such names the Governor shall appoint five persons who shall compose the Board of Dental Examiners of Georgia, and hold their terms for one, two, three, four and five years, according to their appointment and commission, and every year thereafter said Dental Society, at its annual meeting, shall select four names, two members of such society and two non-members, who shall have the same qualifications as hereinbefore provided for the members previously elected, from which number the Governor shall appoint one person to be a member of said board who shall hold his office for a term of five years; *provided*, that nothing in this Act shall interfere with the members of the present board serving in office to the end of the period for which they were elected, and said members, to wit: J. H. Colye, of Thomasville, Ga.; A. G. Bouton, of Savannah, Ga.; B. H. Catching, of Atlanta, Ga.; H. H. Johnson, of Macon, Ga., and D. D. Atkinson, of Brunswick, Ga., until the expiration of their said term, to wit: at the annual meeting of the Georgia State Dental Society for the year 1898, and until their successors are appointed and qualified, be, and they are, hereby made the members of said board. In case of vacancy in said board, such vacancy shall be filled by appointment of the Governor upon the recommendation of the president of the Georgia State Dental Society.

Vacancies.

Organiza-
tion of
board.

Meetings.

Sec. 3. Be it further enacted, That it shall be the power and duty of said board to organize by the election of one of its members president and another secretary and treasurer; to meet immediately after the close of the commencement of each dental college in this State in the place where such college may be located, and also to meet annually regularly at the time and place of the regular meeting of the Georgia State Dental Society, and to hold such meetings in any county in this State as often as the business and duties of the board may require, the calls for such meetings to be made by not less than three members of said board, and a written notice of the time and place and object of said called meeting to be mailed by the secretary and treasurer of said board to all the members thereof not parties to the call, at least fifteen days before the day of meeting; to examine all applicants for licenses to practice dentistry who are entitled under this Act to be examined, and to issue licenses to practice dentistry according to the provisions of

Board of Dental Examiners Established.

this Act ; to collect and apply all fees as directed by this Act ; to keep a book showing the names of all persons to whom licenses have been granted by said board to practice dentistry, and such other books as may be necessary to plainly show all the acts and doings of said board ; to have and use a seal bearing the name, "Board of Dental Examiners of Georgia."

Sec. 4. Be it further enacted, That each member of the board shall, upon his qualification, file with the secretary and treasurer his postoffice address and thereafter a notice of any change therein. Any notice sent to the address so on file shall be deemed to comply with the requirements of this Act as to notice to them. Address of members.

Sec. 5. Be it further enacted, That all books of said board shall be books of public record, and at all times, except on Sunday and public holidays, be kept open to public inspection. A certified copy of any part or all thereof shall be primary evidence in any court of this State. The original books shall be kept in the office of the secretary and treasurer of said board, wherever he may reside, and he shall furnish to any person making application therefor a copy of any part thereof upon the applicant paying a fee of fifteen cents per hundred words so copied, the said fee to belong to the secretary and treasurer. All certified copies shall be certified by the secretary and treasurer. Books of board.

Sec. 6. Be it further enacted, That said board shall examine all applicants furnishing satisfactory evidence of having graduated from a school of dentistry whose term and curriculum is equal to that of a majority of schools of dentistry of the United States, or furnishing satisfactory evidence of having been licensed after examination by any other State board, and if such applicant pass a satisfactory examination, a license to practice dentistry shall be granted to the applicant. Applicants, examination of.

Sec. 7. Be it further enacted, That if any dentist shall be guilty of cruelty, incapacity, unskilfulness, gross negligence, indecent conduct toward patients, or any such professional misbehavior, or show unfitness upon the part of the dentist to practice, shall be guilty of a misdemeanor, and on conviction, in any court of this State having jurisdiction of such offenses, shall be fined as prescribed in section 1039 of vol. 3 of the Code of 1895, and his license to practice dentistry shall be revoked by the board. Misconduct of dentist.

Sec. 8. Be it further enacted, That any dentist or other person who shall at any hearing before the board, either by himself or by his procurement, make any false statement or misrepresentation with intent to deceive or mislead said board, shall be guilty of a misdemeanor, and upon conviction before any court having juris- Penalty for.
False statement to board.

Board of Dental Examiners Established.

Penalty for. diction of said offense, be fined as prescribed in section 1039 of vol. 3 of the Code of 1895, and such dentist's license to practice shall be revoked by the board.

Practicing without license a misdemeanor. Sec. 9. Be it further enacted, That any person who, in violation of the provisions of this Act, shall practice or attempt to practice dentistry in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as prescribed in section 1039 of vol. 3 of the Code of Georgia of 1895; *provided*, that nothing in this Act shall be construed to prevent any person from extracting teeth without fee or reward.

License fee. Sec. 10. Be it further enacted, That in order to provide the means for carrying out and maintaining the provisions of this Act, the said board of examiners may charge in advance each person applying to or appearing before it for each entire examination for license to practice dentistry, a fee of ten dollars (\$10.00), which in no case shall be refunded to the applicant. Out of the funds coming into the possession of the board when so collected the members of the board may receive as compensation the sum of four dollars (\$4.00) each for each day actually engaged in the duties of their office, and all necessary expenses incurred in attending the meetings of the board or in prosecuting cases. Said expenses shall be paid from the fees received by the board under the provisions of this Act, and no part of the salary or other expenses of said board shall ever be paid out of the State treasury. All money received in excess of said expenses above provided for shall be held by the secretary of the board as a special fund for meeting the expenses of said board, he giving such bonds as the board shall from time to time direct, and receive such compensation as the board shall prescribe.

Reports to Dental Society. The said board shall make an annual report of its proceedings to the Georgia State Dental Society, together with all moneys received and disbursed by the said board pursuant to this Act; *provided*, that should an amount exceed three hundred dollars be at any time accumulated over and above the legitimate expenses of the board, all moneys in excess of this amount shall be paid into the common school funds of the State.

Registration of license. Sec. 11. Be it further enacted, That all persons licensed by said board to practice dentistry shall cause such license to be registered by the clerk of the superior court in the county or counties in which such persons may desire to engage in the practice of dentistry, and said clerk of the court shall issue a certificate to that effect, and receive a fee of fifty cents for same. Any failure, neglect or refusal on the part of any person holding such license to register the same with the clerk of court as above directed for a period of six months

Board of Dental Examiners Established.

shall work a forfeiture of the license, and no license when once forfeited shall be restored except upon the payment to said board of examiners the sum of ten dollars (\$10.00). The temporary license hereinafter provided for need not be recorded.

Sec. 12. Be it further enacted, That three (3) members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present upon the day appointed for the meeting, those present may adjourn from time to time until a quorum is present. Quorum of board.

Sec. 13. Be it further enacted, That in cases where a person is entitled to an examination for a license, one member of said board may examine him and furnish a temporary license to any applicant to practice dentistry until the next regular annual meeting of the board, when he shall report the fact, at which time the temporary license shall expire, but such temporary license shall not be granted by a member of the board after the board has rejected the applicant. For conducting said examination, the member of said board conducting the said examination may, in advance, charge and receive a fee of five dollars, to be applied to his own use for his services in examining the applicant. No other fee shall be charged for granting the temporary license. Temporary license.

Sec. 14. Be it further enacted, That it shall be unlawful for any person to practice dentistry or do any dental operation under the protection of another's license. Another's license.

Sec. 15. Be it further enacted, That all persons shall be held to be practicing dentistry within the meaning of this Act who shall charge a fee or salary, or other reward be paid either to him or another person, for operations or parts of operations of any kind in the treatment of diseases, or lesions of human teeth or jaws, or extract teeth, or in correction of the malpositions thereof; *provided*, that nothing in this Act shall apply to regularly licensed physicians in extracting teeth and charging a fee therefor, or performing surgical operations. Dentistry, what is.

Sec. 16. Be it further enacted, That all dentists in the actual practice of their profession in this State be, and they are, hereby exempt from jury duty; *provided*, that this exemption shall not operate to disqualify those dentists who may wish to serve. Dentists exempt from jury duty.

Sec. 17. Be it further enacted, That all of the laws heretofore enacted and existing in the State of Georgia referring to dentistry and the practice thereof, and to the several particular matters contemplated in this Act, be, and the same are, hereby repealed, and all laws in conflict with this Act be repealed. Repealing clause.

Approved, December 15, 1897.

Part II.—Corporations.

TITLE I.—RAILROADS AND LOAN AND BANKING COMPANIES.
“ II.—MUNICIPAL CORPORATIONS.

Cartersville, Gainesville, Augusta and Charleston Railroad Company, Charter Confirmed.

Part II.—Corporations.

TITLE I.

RAILROAD AND LOAN AND BANKING COMPANIES.

ACTS.

Cartersville, Gainesville, Augusta and Charleston Railroad Company, Charter Confirmed.
 Germania Loan and Banking Company, Charter Amended.

CARTERSVILLE, GAINESVILLE, AUGUSTA AND CHARLESTON RAILROAD COMPANY, CHARTER CONFIRMED.

No. 316.

An Act to confirm an Act incorporating the Cartersville and Gainesville Air-Line Railroad Company, approved December 26th, 1886, and amended September 11th, 1891, and again amended October 10th, 1891, and by that amended Act of October 10th, 1891, called the Cartersville, Gainesville, Augusta and Charleston Railroad Company.

Section 1. Whereas, there is some question as to whether Preamble. the charter of the Cartersville, Gainesville, Augusta and Charleston Railroad Company has expired; and whereas, said corporation has been fully organized under its charter, has surveyed part of the line of said road from Cartersville to Gainesville, Georgia, has secured the right of way between those two points, has also graded a portion of said right of way:

Sec. 2. Be it enacted by the General Assembly of Georgia. C. G. A. & C. Railroad, Co., charter confirmed.
 That the charter of the Cartersville, Gainesville, Augusta and Charleston Railroad Company be, and the same is, hereby con-

 Germania Loan and Banking Company, Charter Amended.

firmed, and that said charter has thirty years to run, dating from December 26th, 1886, the date of its incorporation under the name of the Cartersville and Gainesville Air-Line Railroad Company.

Repealing
clause.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 20, 1897.

 GERMANIA LOAN AND BANKING CO., CHARTER AMENDED.

No. 291.

An Act to amend an Act entitled an Act to incorporate the Germania Loan and Banking Company, of Atlanta, Georgia, approved December 27, 1886, and an Act amendatory thereof, approved November 13, 1889, and for other purposes.

Germania
Loan and
Banking
Co., charter
amended.
Repealing
clause.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That an Act amending the charter of the Germania Loan and Banking Company, of Atlanta, Georgia, approved November 13, 1889, be, and the same is, hereby amended by adding and inserting in section 5 of said amendatory Act the words "mortgages, notes and other evidences of indebtedness" between the words "stock" and "or," where said last named words occur in said section, and by further amending said section by adding at the close thereof the following language, to wit: Said company may conduct the business authorized by sections 3 and 4 of said amending Act, and section 5 of said Act as hereby amended, with or without guaranteeing the payment of any such bonds, certificates of stock, mortgages or other evidences of indebtedness, so that said section 5 as hereby amended will read as follows, to wit:

Sec. 5. Be it further enacted, That said company shall have the right to act as agent, factor or trustee for any city, county, town, municipality, corporation or company or individuals on such terms as to agency and commissions as may be agreed on, in registering, selling and countersigning, collecting, acquiring, holding, dealing and disposing on account of such city, town, county, municipality, corporation, company or persons, bonds, certificates of stock, mortgages, notes and other evidences of indebtedness, or any description of property real or personal, or for guaranteeing the payment of such bonds, certificates of

stock, &c., and generally for managing such business, and may charge such premiums, commission or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter. Said company may conduct the business, section 5 of said Act as hereby amended, with or without guaranteeing the payment of any such bonds, certificates of stock, mortgages or other evidences of indebtedness.

Sec. 2. Be it further enacted, That all laws in conflict with this Act are hereby repealed. Repealing
clause.

Approved December 16, 1897.

TITLE II.

MUNICIPAL CORPORATIONS

ACTS.

Abbeville, New Charter for.
Atlanta, Charter of Amended.
Atlanta, Charter of Amended.
Augusta, Extension of Cummings Street or Tenth Street.
Blairsville, Charter of Amended.
Brunswick, Charter of Amended.
Buchanan, Charter of Amended.
Clarksville, City of Incorporated.
Clayton, Charter of Amended.
Columbus, Charter of Amended.
Cornelia, Authorizing Issue of Bonds.
Culloden, Charter of Amended.
Cusseta, Charter of Amended.
Cusseta, Authorizing a Debt of \$2,500.
Demorest, Charter of Amended.
Donalsonville, Town of Incorporated.
Douglas, City of Incorporated.
Douglasville, Extension of Corporate Limits.
East Rome, Extension of Corporate Limits.
Ellijay, Authorizing Debt of \$5,000.
Fairburn, New Charter for.
Fairmount, Town of Incorporated.
Fitzgerald, Charter of Amended.
Fort Valley, Extension of Corporate Limits.
Grantville, New Charter for.
Guyton, Charter of Amended.
Hawkinsville, Charter of Amended.
Hawkinsville, Bonds for Waterworks and Electric Lights.
Hawkinsville, Act of 1892, Authorizing Bonds for Waterworks, Repealed.
Homer, New Charter for.
Jesup, Charter of Amended.
LaFayette, Charter of Amended.
LaGrange, Waterworks, Electric Lights and Sewerage.
Lake Park, Charter of Amended.
Lawrenceville, City of Incorporated.
Lincolnton, Tax for School Fund.
Lyons, Town of, New Charter for.
Macon, Extension of Corporate Limits.
Meigs, Extension of Corporate Limits.
Mountville, Town of Incorporated.

 Abbeville, City of, New Charter for.

Newton, Charter of Amended.
 Oakland City, Charter of Amended.
 Ocilla, Town of Incorporated.
 Pepperton, Town of Incorporated.
 Perry, Act Authorizing Bonds for Waterworks Repealed.
 Powder Springs, Charter of Amended.
 Reidsville, Town of Incorporated.
 Rockmart, Charter of Amended.
 Rome, Corporate Limits Extended.
 Smyrna, Charter of Amended.
 Statesboro, Charter of Amended.
 St. Marks, Town of Incorporated.
 Summerville, Town of Incorporated.
 Summerville, Act of 1874, Incorporating, Repealed.
 Sunny Side, Village of Incorporated.
 Thomaston, Act of 1869, Incorporating, Repealed.
 Thomaston, City of Incorporated.
 Thomaston, Authorized to Issue Bonds for Schools.
 Thomasville, Charter of Amended.
 Tifton, Charter of Amended.
 Toccoa, City of Incorporated.
 Trion, Act of 1869, Incorporating, Repealed.
 Trion, Town of Incorporated.
 Washington, Charter of Amended.
 Waycross, Charter of Amended.
 Waycross, Bonds for Sewerage and Floating Debt.
 Waycross, Sewerage and Waterworks.
 Whigham, Charter of Amended.
 Woodbury, Charter of Amended.
 Woodstock, Town of Incorporated.
 Unadilla, Authorizing Bonds for Waterworks.
 Unadilla, Charter of Amended.
 Unadilla, Authorizing Bonds for Schools.

 ABBEVILLE, CITY OF, NEW CHARTER FOR.

No. 310.

An Act to reincorporate the town of Abbeville as the city of Abbeville, and to confer additional powers on the said corporation, and to codify, amend and supercede all previous Acts incorporating the town of Abbeville, and granting a new charter to the said town, under the name of the city of Abbeville, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That the town of Abbeville, in Wilcox county, be, and the same is, hereby reincorporated under the name and style of the city of Abbeville, and from and after the passage of this Act the several Acts incorporating the town of Abbeville, as well as

Abbeville. City of, New Charter for.

the Acts amendatory thereto, be so amended, superceded and changed as that the charter of the said city of Abbeville shall read as follows: The municipal government of the city of Abbeville shall consist of a mayor and six aldermen, who are hereby constituted a body corporate, under the name and style of the city of Abbeville, and by that name and style shall have perpetual succession, with power to make such ordinances, resolutions and by-laws for municipal purposes as may be deemed proper, not in conflict with this charter nor the constitution and laws of this State, nor the United States, and with power in and by said corporate name to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of this State, and do all other acts relating to its corporate capacity, and shall be able in law to purchase, hold, receive, enjoy, possess and retain for the use and benefit of the said city of Abbeville any property, or for any term of years, any estate, real or personal, lands, tenements, hereditaments, of whatever kind or nature soever, within the limits or without the limits of said city, for corporate purposes, and hold all property and effects now belonging to the said city for the purposes and intents for which the same was granted or dedicated, to use, manage and improve, sell and convey, rent or lease, and have the like powers over property hereafter acquired, and to have and use a common seal. All ordinances, rules and regulations heretofore adopted in said city and now in force shall continue in operation until the same are repealed, amended and codified by the said mayor and aldermen, provided the same are not in conflict with the provisions of this Act.

Corporate limits.

Sec. 2. Be it further enacted by the authority aforesaid, That the corporate limits of said city shall extend one mile in every direction from the present court house as now located therein.

Mayor and six aldermen, clerk and treasurer, election of.

Sec. 3. Be it further enacted, That an election shall be held in the city of Abbeville on the second Tuesday in January annually. In January, 1898, a mayor and six aldermen, clerk and treasurer shall be elected. The mayor, three aldermen, clerk and treasurer shall hold their term of office one year and until their successors are elected and qualified, and the other three aldermen shall hold their term of office for two years and until their successors are elected and qualified. And in January, 1899, and every one year thereafter, a mayor, three aldermen, clerk and treasurer shall be elected. The mayor, clerk and treasurer shall hold their office for the term of one year, and the aldermen shall hold their office for the term of two

 Abbeville, City of, New Charter for.

years. At the first meeting of the city council of Abbeville, or as soon thereafter as practicable, one of said aldermen shall be chosen mayor *pro tem*. The mayor shall receive for his services a sum not exceeding \$200 per annum, and each of said aldermen not exceeding the sum of \$50.00 per annum; the treasurer shall receive a sum not exceeding \$100 per annum; the clerk shall receive a sum not exceeding \$100 per annum, as may be fixed by the council, which sums shall not be changed during their term of office. The ones receiving the greatest number of votes shall be declared elected. Salaries.

Sec. 4. Be it further enacted by the authority aforesaid, That the mayor and aldermen of said city shall be citizens of the State of Georgia who have attained the age of twenty-one years, and who have been citizens of the city of Abbeville for one year, next preceding the election, and shall be qualified voters of said city. Qualifications

Sec. 5. Be it enacted by the authority aforesaid, That the clerk of the city council shall keep a book, to be labeled "Registration Book of the city of Abbeville," in which he shall register upon application, in alphabetical lists—keeping a separate list of white and colored voters—the names of all male persons, who shall make and subscribe the following oath: "I, —, do solemnly swear that I am a citizen and qualified voter of the State of Georgia, according to the constitution and laws thereof, and that on the second Tuesday in January next I will have been a *bona fide* resident of the city of Abbeville six months, and have paid all taxes legally required of me by said town." Sworn to and subscribed before me, this—day of—, 189—, —, clerk, T. C. Such registration book shall be kept open for the registration of voters twenty days preceding each election, when it shall be closed five days before each election. Said book shall be present at each election, in charge of said clerk, or, in case of his inability to attend for any cause, some suitable elector of said town, to be designated by the mayor, and no person whose name is not found thereon shall be allowed to vote. The clerk shall have such compensation for keeping such registration book as the council shall allow, not to exceed five cents per name. Registration of voters.

Sec. 6. Be it further enacted by the authority aforesaid, That the election for mayor and aldermen of said city shall be held under the same rules and regulations, as nearly as practicable, as elections for members of the General Assembly. Such elections shall be conducted under the management of a justice of the peace and two freeholders, who are residents of said city Elections, how held.

 Abbeville, City of, New Charter for.

and not candidates in said election, or, in the absence of a justice of the peace, any three freeholders, residents of the said city and not candidates in said election, may manage the same. The mayor and aldermen of said city shall have the right and power to appoint any three freeholders, or any two freeholders and a justice of the peace, who are residents of the said city, to conduct said election. The managers shall each, before proceeding with the election, take and subscribe the following oath: "All and each of us do swear that we will faithfully superintend this day's election; that we are qualified by being freeholders or justices of the peace to hold the same; that we will make a just and true return thereof and not knowingly permit anyone to vote who is not entitled to do so according to the charter of this city, nor knowingly prohibit anyone from voting who is so entitled, nor will we knowingly divulge for whom any vote was cast, unless called upon by law to do so; so help us God." Said oath shall be signed by each superintendent or manager, in the capacity in which he acts, and shall be made and subscribed before some officer authorized to administer oaths, if any such is present; if no such officer is present said oath may be made and subscribed by each manager in the presence of the others. The managers shall report the result of the election to the acting council, and shall also issue a certificate of election to each of the persons elected, which certificates of election shall be sufficient authority to the person so elected to enter upon the discharge of their official duties, after qualification as hereinafter provided, said certificates to be entered upon the records of said mayor and city council. But the list of voters, tally-sheets and ballots shall be deposited with the city clerk, and all contests growing out of said election, or concerning the same, shall be before the acting mayor and council, and determined by them as in other cases of contest, and no such contest shall be allowed or heard by them unless begun within five days after said election.

Result,
how re-
ported.

Polls.

Sec. 7. Be it further enacted by the authority aforesaid, That the place of holding all elections under this charter shall be at the court house or city hall, and the time of day for keeping open the election shall be from 8 o'clock a. m. to 6 o'clock p. m. The managers may begin to count the votes at any time, at their discretion, but they shall not do so until the polls are closed, if a candidate in person or by written authority objects.

Oath of
mayor and
aldermen.

Sec. 8. Be it further enacted by the authority aforesaid, That before entering upon the duties of their respective offices, the mayor

 Abbeville, City of, New Charter for.

and aldermen shall make and subscribe the following oath, which shall be administered by any person qualified to administer oaths: "I do solemnly swear that I will faithfully discharge all the duties devolving on me (as mayor or aldermen, as the case may be) of the city of Abbeville during my continuance in office according to the best of my ability and understanding. So help me God." Said oath shall be entered upon the records of the city.

Sec. 9. Be it enacted by the authority aforesaid, That the present ^{Present} mayor and council shall hold their term of office until their succe- ^{officers.} sors are elected and qualified.

Sec. 10. Be it further enacted by the authority aforesaid, That ^{City} there shall be elected by the mayor and aldermen, a mayor ^{officers,} *pro tem.* ^{how} tax-assessor or assessors, and tax-collector, city attorney, marshals, ^{elected.} and such other officers and men as the mayor may determine, to constitute the police force of the city; a street overseer, sexton and such officer or officers as the necessities of the city may demand, who shall each hold his office for one year, or until his successor is elected and qualified, unless removed for causes to be judged by the mayor and aldermen. They shall receive a reasonable sum for their compensation for their services, to be fixed by the mayor and aldermen, preceding every election, which shall not be increased or diminished during their continuance in office. Their duties shall be ^{Duties, etc.} prescribed by ordinances. On entering on the discharge of their duties, they shall each take and subscribe an oath to faithfully perform the duties of their offices, and they shall each enter into bond with good security, payable to the city of Abbeville, in such amount as may be fixed by the mayor and aldermen, for their faithful performance of their duty; the mayor and aldermen may also appoint ^{Policemen.} special policemen when in their judgment such appointment may be necessary, such policemen to be discharged when the emergency requiring their services is passed, and to be compensated as the mayor and aldermen may determine. The mayor and aldermen shall also have power and authority to appoint a board of health for the said city and to define their powers and duties, and to prescribe their compensation; said appointment may be made from their body, appointed by the mayor.

Sec. 11. Be it further enacted by the authority aforesaid, That a ^{Council} majority of the aldermen shall constitute a quorum ^{quorum.} for the transaction of business, but in all cases a less number may adjourn from time to time, and may compel the attendance of absentees; any alderman shall have a right to call for the ayes and nays, and have the same recorded on the minutes in all cases; the mayor shall have no vote except in case of a tie.

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Tax *ad*
valorem.

Sec. 12. Be it further enacted by the authority aforesaid, That for the purpose of raising revenue for the support and maintaining the city government, the mayor and city council of Abbeville shall have full power and authority, and shall prescribe by ordinance for the assessment, levy and collection of any *ad valorem* tax on all real and personal property within the incorporate limits of said city, to defray the ordinary annual expenses of the city government, a tax not to exceed one-half of one per centum; to maintain a system of

School tax.

schools, as now established by law, a tax not to exceed one-half of one per cent., and to pay any other extraordinary expenses of the city government, such tax not to exceed one-half of one per cent., as may be necessary, in the discretion of the mayor and city council of the city of Abbeville.

Vacancies.

Sec. 13. Be it further enacted by the authority aforesaid, That in case of a vacancy in any of the offices heretofore mentioned by death, resignation, failure to elect, or removal from office, removal from the city or otherwise, a special election shall be ordered by the mayor and city council of Abbeville within thirty days, giving ten days' notice by publication to fill such vacancy.

Liquor
license.

Sec. 14. Be it further enacted, That the mayor and city council of Abbeville shall in its discretion have the sole and exclusive right of granting license to retail and wholesale malt, vinous and spirituous liquors within the city of Abbeville, which license are not transferable, and of fixing the rate of such license and the terms upon which they shall issue, and to regulate and to control the sale of the same, and may, for any violation of the laws or ordinances of said city, declare such license void; *provided*, that this section of this Act shall obtain and be of force so long as it is legal to grant license to sell malt, vinous and spirituous liquors in Wilcox county, and no longer.

Business
licenses.

Sec. 15. Be it further enacted by the authority aforesaid, That the mayor and city council of Abbeville shall have power and authority to license, regulate and control all taverns, hotels, cafes, restaurants, boarding-houses, livery-stables, hacks, drays and other vehicles, auctioneers, vendue-masters, itinerant traders, theatrical performances, shows, circuses and exhibitions of all kinds, itinerant lightning dealers, immigrant agents, clock and stove peddlers, peddlers of all kinds, itinerant dealers in jewelry, and all other traveling and itinerant venders of articles, goods, wares and merchandise of every nature whatsoever; every keeper of a pool, billiard, or bagatelle table, kept for public use; every keeper of a shooting gallery, ten-pin alley; upon the keeper of any other table, stand or place for the performance of any game or play, whether played with

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sticks and balls, rings or other contrivance; upon the keeper of flying horses, bicycles, velocipede or skating rink, insurance agents, life and fire insurance companies, brokers, dealers in futures, loan agents, and agents for any other business or calling whatever; keepers of slaughter-houses, beef markets, green groceries; dealers in fish, oysters, vegetables, fruits, breads and other articles of food; upon every pawn-broker and upon all other establishments, businesses, callings, or avocations not heretofore mentioned, and which under the laws and Constitution of the State of Georgia are subject to license.

Sec. 16. Be it further enacted by the authority aforesaid, That ^{Street tax.} the mayor and city council of Abbeville shall have power to levy and collect a street tax in addition to other taxes, a tax not exceeding four dollars upon each and every male person between the ages of eighteen and fifty years of age, except licensed ministers of the gospel who are in the regular discharge of their ministerial duty and in charge of one or more churches, and except all persons who have lost one leg or arm; *provided*, that any person so taxed shall have opportunity to work the streets of said city and may relieve themselves of said tax by working on the streets, not exceeding fifteen days, under the control or direction of the city marshal, or other officer of said city; that upon the non-payment of said street tax, or failure to work on the streets as provided in this section, the person so offending, after five days' notice, may be sentenced to work on the streets of said city for a number of days sufficient to pay all such taxes assessed against him.

Sec. 17. Be it further enacted by the authority aforesaid, That ^{Powers of mayor and aldermen.} said mayor and aldermen shall have full power and authority to remove or cause to be removed, all buildings, porches, steps, fences or other obstructions or nuisances in the public streets, lanes, alleys or public sidewalks in said city; they shall have power if necessary to establish a market or markets in said city, to regulate all butcher-pens, slaughter-houses, tan-yards, livery-stables, blacksmith-shops, forges and chimneys, steam saw-mills, steam grist-mills, mill-ponds, fish-ponds and steam-gins within said city, and remove or cause to be removed the same or any of them, in case they become nuisances, dangerous or injurious to the health of the city; they shall have power also to fill up all pits, cellars or excavations in said city, or cause the owner or owners to do so, when they shall deem it necessary for the public interest to have the same done; they shall also have power to regulate and control all public pumps and wells, fire companies and engines, or any other apparatus of like character in said city; they shall have power to remove or cause to

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- be removed all dilapidated or unsafe buildings, fences, chimneys, etc., which may be considered nuisances, or considered dangerous.
- Streets.** Sec. 18. Be it further enacted by the authority aforesaid, That the mayor and aldermen shall have power and authority to open, lay out, widen, straighten, or otherwise change the streets and alleys of said city, and to improve and light the same, and shall have power to lay off, vacate, close up, alter, open, curb, pave, drain and repair the roads, streets, bridges, sidewalks, cross-tracks, drains and gutters, for the use of the public or any citizen of said city; they shall also have power to compel the owners or lessees of property to pave or otherwise keep in good order and condition, as they may direct, the sidewalks in front of such property; should any owner or lessee fail to comply with any ordinance passed for such purpose, the work may be done by the city and the expenses attending the same collected by execution issued against the said owner or lessee.
- Churches.** They shall have power also to protect places of public worship, provide places for the burial of the dead and to regulate interments therein;
- Cemeteries.** to regulate the keeping of gunpowder and other combustible and explosives, to make regulations for guarding against fire, to establish fire limits, and from time to time enlarge and restrict the same.
- Fire limits.** They shall also have power to provide, lay out, improve and maintain public parks, or pleasure grounds, and have complete authority and jurisdiction over the same. They shall also have authority to grant franchises for waterworks and electric lights and other purposes.
- Parks.**
- Power of condemnation.** Sec. 19. Be it further enacted by the authority aforesaid, That the mayor and council shall have power in the opening of any new street in said city, or in altering, extending or straightening any street, to condemn private property upon the following conditions: If the owner of the property to be affected claims that he will be damaged thereby, and if such owner and the mayor and council are unable to agree as to the amount thereof, the mayor and council shall select one intelligent and upright freeholder of said town, and the owner of said property shall select one such person, or if he shall fail or refuse to make such selection within five days after having been notified by the mayor and council of their selection, then it shall be the duty of the justice of the peace of the militia district in which the land may lie to select some intelligent and upright citizen, freeholder as aforesaid, and it shall be the duty of the two persons selected to select a third intelligent and upright citizen of said city, and it shall then be the duty of said three persons to assess the damages sustained by the owner of said lands, taking into consideration the enhanced value, if any, to the

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property by reason of the public improvement, and either party may appeal from the award of said arbitrators to the superior court of said county, under the same rules as govern appeals from other courts to the superior court; *provided*, that the mayor and council upon payment or tender to the owner or his agent of any sum found by said arbitrators, shall have the right to proceed to open, alter or straighten said street, notwithstanding said appeal, upon giving bond and security to pay any further damage that may be recovered on the appeal.

Sec. 20. Be it further enacted, That should any person fail or refuse to pay the city tax or license, or tax and license imposed by the city authorities according to this charter within the time allowed or prescribed by the ordinances of said city, the clerk shall issue an execution against said delinquent for the amount due by him to the said city, which shall bear test in the mayor and aldermen of said city. Said execution shall bind all the property that said defaulting taxpayer owns in said city for the year for which the said taxes are due; said execution shall be directed and enforced by the marshal of said city, who, after levying the same upon the property of the said defaulting taxpayer, shall, if the property levied upon be personal property, advertise the sale by posting notices thereof on three or more public places in the said city, for ten days before the day of sale, and if the property be real estate he shall advertise the same once a week for four weeks in the public gazette wherein the sheriff's sales of Wilcox county are advertised or some other newspaper published in said town, before selling the same; all sales under such execution shall be made by the city marshal before the door of the court house, or the city hall, or at such place as the mayor may direct, notice of which place and time of sale shall be contained in the advertisement; the property levied upon shall be sold by the marshal at public outcry under the laws of sheriff's sales to the highest and best bidder. When personal property is sold the marshal shall deliver possession thereof on the spot to the purchaser; when real estate is sold the marshal shall make to the purchaser a deed which shall be effectual in passing the title as the deed of the person against whom the execution was issued, and it shall be the duty of such marshal, upon application of the purchaser or his agent in possession of the real estate sold, provided said marshal shall not be authorized to turn out any other person than such delinquent taxpayer, his heirs, tenants or assigns. The clerk shall be entitled to fifty cents for each *fi. fa.* issued, and the marshal shall be entitled to the same fees for levies as are by law allowed a bailiff in this

Taxes, how
collected.

State, and the same fees for selling as are received by the sheriffs in this State.

Council
chamber.

Guard
house.

Sec. 21. Be it further enacted by the authority aforesaid, That said mayor and aldermen shall have power and authority to build and provide for a council chamber, to establish and provide by regulation for a city guard-house in which to confine for punishment, when necessary, persons sentenced by the mayor for violating any of the city ordinances, or any of the penal sections of this charter, and for the safe detention of any disorderly persons, and all persons committing or attempting to commit crime; and the marshal or any policeman of said city shall have the right to take up disorderly persons and all persons committing or attempting to commit any crime, and confine them in the guard-house to await their trial.

Justices of
peace.

Sec. 22. Be it further enacted by the authority aforesaid, That the mayor and aldermen of said city shall be bound to keep the peace, and for this purpose shall be *ex officio* justices of the peace, so as to enable them, or either of them, to issue warrants for offenses committed within the jurisdiction of the city, and shall have power on examination to commit the offender or offenders to the guard-house in the city, or to the jail in Wilcox county, or to bail them, if the offense be bailable, to appear before the proper court of said county for trial.

Police
court.

Sec. 23. Be it further enacted by the authority aforesaid, That the mayor of said city, or the mayor *pro tem.*, when acting as mayor, shall have power and authority to hold a police court for the trial and punishment of all violators of the ordinances, rules or regulations of said city, and upon conviction to punish said offenders by a fine not to exceed (\$100) one hundred dollars and cost, or by labor on the streets or public works of the said city, under the control and direction of the proper officers, not to exceed ninety days, or by confinement in the guard-house not to exceed sixty days; the mayor or mayor *pro tem.*, when proceeding in such police court, shall have authority to punish for contempt by fine not to exceed ten dollars, or confinement in the guard-house not to exceed five days. In the absence of the mayor or mayor *pro tem.*, any alderman of the city shall have power to hold police court.

Claims,
how tried.

Sec. 24. Be it further enacted by the authority aforesaid, That whenever any execution issued by the proper authority of said city for fines, forfeitures, taxes, licenses, or any duty or demand due the said corporation, shall be levied on any property claimed by another person, not a party to the execution, said claim shall be investigated under the same rules, regulations and restrictions as regulate

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claim cases under the laws of this State, and the said claim shall be tried before a jury in the first justice's court, or superior court, having jurisdiction thereof, as the case may be.

Sec. 25. Be it further enacted by the authority aforesaid, That ^{Tax assessors..} the mayor and aldermen shall prescribe by ordinance the time and manner in which and the officer or officers to whom all property, occupations, etc., shall be returned for taxation by the said city, and it shall be the duty of the assessor, or assessors, to value the real estate for said city for taxation, and to scrutinize carefully each return of property, real or personal, by any tax-payer in the said city, and if in his or their judgment they shall find the property embraced in the return, or any portion of it, returned below its value, said assessor or assessors shall assess the value thereof within fifteen days, or such other time as may be prescribed by the said mayor and aldermen. Whenever the assessor or assessors shall raise the valuation at which the tax-payer has returned his property, said assessor or assessors shall give him written notice of their assessment, and it shall be the tax-payer's privilege, if dissatisfied with the assessment, to appeal to the mayor and aldermen, under such rules and regulations as they may prescribe.

Sec. 26. Be it further enacted by the authority aforesaid, That ^{Board of health.} should a board of health be appointed by said mayor and aldermen, they shall meet once a month, or as often as may be necessary, to visit every part of the city and to report in writing to the mayor and aldermen all nuisances which are likely to endanger the health of the city or of any neighborhood. Said mayor and aldermen shall have power, on report of the board of health, to cause such nuisance to be abated, and the recommendations of the board carried out in a summary manner at the expense of the party whose act caused the said nuisance, or of the owner of the premises, as the mayor and aldermen shall elect. Said mayor and aldermen shall have power and authority, upon the recommendation of the board of health, to cause the owners of lots and parcels of land in said city to drain the same, or to fill the same to the level of the streets or lands upon which they front, or to drain any pool of water thereon; also, to compel the owner or owners of cellars occasionally holding water to cause the same to be emptied of the water or to fill up the same if necessary, and in case the owner or owners of the said lot or lots, or parcel or parcels of land, shall fail or refuse, after reasonable notice to him or his agent, to comply with the requirements of the said mayor and aldermen by filling up the said lots or parcels of land, or by draining the same, or by draining any pool of water thereon, or by emptying or filling up such cellars, it shall be lawful

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for said mayor and aldermen to cause the same to be done, and for the amount expended for this purpose the clerk shall forthwith issue an execution against the owners of said property to be collected from the said lot or parcel of land, and the sale under the marshal shall pass the title to said property as completely to the purchaser as the sale under the judgment or execution by the sheriff of said county; they shall also have authority, upon the recommendation of the board of health, to make and enforce for any length of time such rules and regulations as they may deem proper to prevent the introduction into said city of any infectious or contagious diseases, or to isolate, localize or prevent the spread or increase of the same when found in the city. The power and authority conferred in this section may be exercised by the mayor and aldermen in their discretion, without the recommendation of the said board of health, if at the time no such board exist in the city. The said mayor and aldermen shall have power and authority at any time to fill any vacancies that may occur in the said board of health.

Contracts
of city.

Sec. 27. Be it further enacted by the authority aforesaid, That it shall not be lawful for the mayor, or any alderman of said city, to be interested, either directly or indirectly, in any contract with the city of Abbeville having for its object the improvement of the city, or any part thereof, and in the expenditures of its moneys; and for the violation of this section by the mayor or any alderman of the said city, the offender shall be, on conviction, punished as in other misdemeanor cases as prescribed by the Code of this State.

Mayor's
court,
powers of.

Sec. 28. Be it further enacted by the authority aforesaid, That all warrants, summonses and precepts issued by the mayor or aldermen of the city of Abbeville, or by the clerk, bearing test in the name of said mayor or aldermen, shall be directed to the marshal or police of the said city, and the said mayor and aldermen shall have power to issue subpoenas, or cause the same to be issued by the clerk, to compel the attendance of parties or witnesses at the mayor's court and the meeting of the said mayor and aldermen; the said mayor and aldermen shall have full power and authority to take and receive from all parties and witnesses such bonds as they may deem necessary to secure the attendance of the parties and witnesses, and to pass all ordinances necessary to carry their behest into effect, and to forfeit and collect said bonds in the same manner that such bonds are forfeited in the superior courts of this State.

Chain-gang

Sec. 29. Be it further enacted by the authority aforesaid, That the mayor and aldermen shall have full power and authority, in their discretion, to organize a city chain-gang in the said city, under the same rules and regulations as may be adopted by said mayor

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and aldermen, and to cause all offenders against the laws and ordinances of the said city to work in the said chain-gang on the streets and public works of said city, as said mayor and aldermen may direct, and that said mayor and aldermen shall also have power and authority to work criminal convicts in the said chain-gang, agreeable to the laws of this State.

Sec. 30. Be it further enacted by the authority aforesaid, That ^{City pound.} said mayor and aldermen shall have full power and authority to take up and impound any horses, mules or hogs running at large within the limits of said city, and to regulate and control the keeping of dogs in said city, and to provide for impounding and disposing of same, and to pass all such ordinances as may be deemed necessary for carrying out the provisions of this section.

Sec. 31. Be it further enacted by the authority aforesaid, That ^{Police uniform.} the said mayor and aldermen shall cause the entire police force of the said city to be so uniformed and armed as to be readily recognized by the public as peace officers.

Sec. 32. Be it further enacted by the authority aforesaid, That ^{Water-works and sewers.} the mayor and city council of Abbeville shall have full power and authority to establish and maintain a system of water-works and sanitary sewerage for said city, and to compel lot owners to connect with said sewers, and may purchase or condemn any property within or without the city that may be necessary for either of said public works. In case it shall become necessary to condemn any property under this section, or for any other public works, the proceedings shall be the same as in section 19 of this charter.

Sec. 33. Be it further enacted by the authority aforesaid, That ^{Fire limits.} the mayor and council of Abbeville shall have power to fix and establish fire limits, and from time to time to enlarge, restrict or change the same; to provide a fire department and a system of fire alarms, within which fire limits are established; it shall not be lawful for any one to build or cause to be built other than fire-proof buildings, except by special permission of said mayor and council of the city of Abbeville, which must be unanimous, and in case of any offense against ordinances passed in pursuance of this Act, the said mayor and city council of Abbeville, after five days' notice given, shall cause the said not-fire-proof buildings to be removed at the expense of the owners or builders thereof, to be collected by execution, as other executions issued by the city; and the said mayor and city council shall have the right to determine what are or are not fire-proof buildings.

Sec. 34. Be it further enacted by the authority aforesaid, That ^{Removal of dangerous structures.} the said mayor and city council of Abbeville shall have power to

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remove any forge or smithshop when in its opinion it shall be necessary to insure safety against fire; they shall have power to cause any stove, stove-pipe or other things which shall endanger the city, as to fire, to be removed or remedied at the expense of the owner, as its prudence shall dictate.

Mal-
feasance.

Sec. 35. Be it further enacted by the authority aforesaid, That should the mayor or any alderman while in office be guilty of any wilful neglect, malpractice or abuse of power, he shall be subject to be indicted before the superior court of Wilcox county, and on conviction shall be fined in a sum not exceeding two hundred dollars, or imprisonment not exceeding six months.

Marshal,
duty of.

Sec. 36. Be it further enacted by the authority aforesaid, That it shall be the duty of the marshal of said city to prosecute all offenders against the laws of this State for crimes committed within the limits of the city of Abbeville. It shall moreover be his duty to arrest, or cause to be arrested, all disorderly persons, all persons committing or attempting to commit any crime, and to commit them to the guard-house or other place of confinement to await trial. It shall further be his duty to execute all processes and orders of the city, and to discharge any other duties imposed on him by the laws, ordinances, rules and regulations of said city.

Clerk and
treasurer,
duties of.

Sec. 37. Be it further enacted by the authority aforesaid, That the clerk and treasurer shall be custodians of the funds of the city, and shall be the keeper of the records thereof; shall be the clerk of the mayor's court, shall issue all processes and shall discharge all duties that may be required of him by the laws, ordinances, rules, regulations and resolutions of the mayor and city council of Abbeville. Upon conviction for neglect of duty or any abuse of power conferred on him he shall be indicted before the superior court, as prescribed in section 35 of this charter.

Appeals.

Sec. 38. Be it further enacted by the authority aforesaid, That any person who may be convicted before the mayor's court shall have the right to appeal from the judgment of the mayor's court to the mayor and council of Abbeville, and shall have a right to give bond and security in such sum as may be fixed by the mayor for his appearance before the mayor and city council of Abbeville. The mayor and council of Abbeville shall try all appeals *de novo*, and may, in its discretion, affirm the judgment of the mayor, reduce or increase the punishment or discharge the defendant.

Certiorari

Sec. 39. Be it further enacted by the authority aforesaid, That any person who may be convicted before the mayor and city council of Abbeville may, by giving notice of his intention to *certiorari*, suspend the judgment and may be released from custody at once

Atlanta, Charter of Amended.

upon giving bond with security in such sum as may be fixed by said mayor for his appearance; *provided*, all *certioraris* from said court shall be sued out within twenty days from the date of the judgment; *and provided*, no such *certiorari* shall issue until all costs shall have been paid or an affidavit be made by the defendant showing his inability to pay same.

Sec. 40. Be it further enacted by the authority aforesaid, That ^{Protection of officers.} any of the officers of the said corporation who may be sued for any act done in his or their official capacity, may be justified under this charter, and that the provisions of this charter may be pleaded and shall be a full defense to any action brought against the mayor and aldermen of the said city, or either of them, for any act or acts done by them or either of them under and in accordance with its provisions and the ordinances passed in pursuance thereto.

Sec. 41. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act be, and the same are, hereby, repealed.

Approved December 2, 1897.

ATLANTA, CHARTER OF AMENDED.

No. 210.

An Act to amend the charter of the city of Atlanta, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly convened, That the Act establishing a new charter for the city of Atlanta, approved on the 28th day of February, 1874, and the various Acts amendatory of said Act passed and approved since that time, be, and the same are, hereby amended as hereinafter stated. ^{Atlanta, charter of amended.}

Sec. 2. Be it further enacted, That all of the third section of an Act approved on the 3d day of September, 1881, which Act is published on pages 358 to 365, inclusive, of the Act of 1880 and 1881, after the word "improved" at the end of the fifth line of said section and all of the fourth section of said Act be, and the same are, hereby repealed; *provided*, that said portions of said Act shall remain the rule for decisions as to all work executed thereunder before the passage of this repealing Act. ^{Act of Sept. 3, 1881, amended.}

Sec. 3. Be it further enacted by the authority aforesaid, That

Street im-
prove-
ments.

in lieu of the portions of the charter hereinbefore repealed the following is hereby enacted: In order to exercise the authority hereinbefore conferred upon said mayor and general council, it shall be necessary that the owners of at least one-half the real estate abutting on the street or portion of the street to be macadamized, paved or otherwise improved, in writing, petition the mayor and general council to make such improvements; such petition in no case to be gotten up by paving contractors, and the work petitioned for shall have the approval of the city engineer and the commissioner of public works, who shall also furnish a statement of its estimated cost. Upon the filing of such application, the mayor and general council shall cause a notice of the *presentation* of such petition, and of the time and place when the same will come up for *consideration* and action, to be published in one of the daily papers published in said city at least ten days before an ordinance shall be passed based on said petition. When the petition comes up for action, opportunity shall be given to all persons interested to advocate or oppose the granting of the petition. An ordinance shall be passed directing the said work to be done. This work may be done under the immediate direction of the mayor and general council, or through the medium of contractors, each piece of work to be separately contracted for.

In all cases where the petition appears to be signed by sufficient frontage to authorize the passage of the ordinance, and the mayor and general council determine that it is sufficient to authorize the passage of the ordinance, which determination shall be evidenced by the passage of the ordinance, and the work is executed thereunder, and notice has been published as hereinbefore provided for, the determination of the mayor and general council as to the sufficiency of the petition shall be final as to the rights and interests to all persons or corporations interested, who have not prevented the execution of the work by an injunction or other appropriate legal or equitable remedy before it is commenced.

Street rail-
roads to
pay part of
expense.

Any street railroad company or street railway company having tracks running through any street or portion of street which is to be paved or repaved by said city under the assessment plan, provided for by this charter or the general law of the State, shall be required to pay the whole cost of paving, repairing or otherwise improving eleven feet in width of said street or portion of street, whether such company has one or more lines of track therein, and in case any street railway or street railroad company shall construct one or more lines of track in any street or portion of street already

paved it shall likewise pay for the paving of eleven feet in width of the street or portion of the street occupied by its tracks according to the then value of such pavement, to be judged of by the mayor and general council. The material to be used in paving or otherwise improving streets shall be such as the mayor and general council shall select in each case.

Sec. 4. Be it further enacted by the authority aforesaid, That the first section of the Act approved December 24th, 1886, published on page number 243 of the Georgia Laws of 1886, amending the charter of the city of Atlanta be, and the same is, hereby amended, as follows: By inserting between the words "less" and "than," in the 9th line of said section as printed, the words "than one-half and not less," so that said section when so amended will read as follows:

Act of Dec.
24, 1886,
amended.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, the Act approved September 3d, 1881, amending the charter of the city of Atlanta, be, and the same is, hereby amended so as to authorize the mayor and general council of said city, in their discretion, to grade, pave, macadamize and otherwise improve for travel and drainage the streets and alleys, not exceeding four squares thereof, which connect to other streets already improved, upon the petition of abutting owners having less than one-half and not less than one-third frontage, the same to be done in the manner prescribed by said Act or amendments to the same, the cost thereof to be ascertained, paid for, and payment enforced in like manner as is or may be provided by law and ordinance of said city in other cases.

Improvement of
connecting
streets.

And that the first section of the Act amending the charter of the city of Atlanta, approved on the 15th day of December, 1888, published on pages 205 and 206 of the Georgia Laws of 1888, be, and the same are, hereby amended by inserting between the words "less" and "than" in the 15th line of said section as published, the words "than one-half and not less," so that said section when so amended will read as follows:

Act of Dec.
15, 1888,
amended.

Sec. 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act the Acts approved respectively September 3d, 1881, and December 24th, 1886, amending the charter of the city of Atlanta, be, and the same are, hereby amended so as to authorize the mayor and general council of said city in their discretion, in addition to the powers conferred by the above restricted Acts, to grade, pave, macadamize and otherwise improve for travel and drainage streets and alleys in said city,

Improvement of
connecting
streets.

not to exceed four squares of any street or alley, a portion of which street or alley is already paved or macadamized, or otherwise improved, when such improvement by paving, macadamizing or otherwise, will connect a portion or portions of such street or alley already improved, or will connect an improved portion of such street or alley, with other improved street or alley, upon the petition of abutting owners having less than one-half and not less than one-third frontage on the street or alley or portion of the street or alley the improvement of which is petitioned for, the same to be done in the manner prescribed by said above recited Acts, of which this Act is amendatory, or amendments to either of said Acts, the cost thereof to be ascertained, paid for, and payment enforced in like manner as is or may be provided by law and ordinances of said city in other cases.

Repaving.

Sec. 5. Be it further enacted by the authority aforesaid, That the said mayor and general council shall have as full power to repave any street or alley or portion of such street or alley upon like petition and after proceedings, and to levy and collect assessments therefor as in cases of original paving provided for under this Act, whether in the judgment of said mayor and general council the paving originally laid on such street or portion of street or alley is worn out to that extent that it is no longer useful as a good pavement.

City code
of 1891,
Sec. 216,
amended.

Sec. 6. Be it further enacted by the authority aforesaid, That that portion of the charter of the city of Atlanta which is published as section 216 of the city Code of Atlanta of 1891, be, and the same is, hereby amended by inserting between the words "due" and "and" in the fourteenth line of said section as published, the words "and specifying fully the grounds of such denial of liability," and by striking from the eleventh line of said section as published, the words "and absolute," and adding after the word "purchaser" in said line the words "as in case of tax sales," and by adding to the end of that section as published, the following words:

Provided, the Judge of said Superior Court shall have authority to dismiss any such affidavit of illegality for insufficiency before the time when the same would regularly come up for trial, so that said section when amended will read as follows:

Assess-
ments for
street im-
prove-
ments, how
collected.

Sec. 216. The mayor and general council of said city shall have authority to enforce the collection of the amount any assessment so made for work, either upon streets or sidewalks, by execution, to be issued by the clerk of council against the real estate so assessed, and against the owner thereof, at the date of the ordinance-

making the assessment, which execution may be levied by the marshal of said city on such real estate, and after advertisement and other proceedings as in cases of sales for city taxes, the same may be sold at public outcry to the highest bidder, and such sale vest title in the purchaser, as in case of tax sales; *provided*, that the defendant shall have the right to file an affidavit denying that the whole or any part of the amount for which the execution issued is due, and specifying fully the grounds of such denial of liability, and stating what amount he admits to be due, which amount so admitted to be due shall be paid or collected before the affidavit is received, and the affidavit received for the balance, and all such affidavits so received shall be returned to the Superior Court of Fulton county, and there tried, and the issue determined as in cases of illegality, subject to all the pains and penalties provided in cases of illegality for delay; *provided*, the Judge of said Superior Court shall have authority to dismiss any such affidavit of illegality for insufficiency before the time when the same would regularly come up for trial.

Sec. 7. Be it further enacted by the authority aforesaid, That the first section of the Act approved November the 8th, 1889, entitled an Act establishing a new charter for the city of Atlanta, approved on February 28th, 1874, and the several Acts amendatory thereof, so as to provide a better system of sewer assessments in said city, and for other purposes, which section is published as section 246 of the city Code of Atlanta of 1891, be, and the same is, hereby amended by striking out the word "ninety" in the sixth line of said section, and inserting in lieu thereof the word "seventy," and by striking out the words "one dollar and eighty cents" in the eighteenth line of said section as published, and inserting in lieu thereof the words "one dollar and forty cents." The effect of this amendment being to provide for an assessment of seventy cents per lineal foot upon the property and estates respectively abutting upon each side of the sewers to be laid under the assessment plan, provided for by said Act of November 8th, 1889, instead of ninety cents as provided for in said original Act.

Sec. 8. Be it further enacted by the authority aforesaid, That so much of the Act approved on the 3d day of October, 1885, amending the charter of the city of Atlanta as created, the office of clerk of the commissioner of public works as a charter office, and prescribed the term of office of such clerk, be, and the same is, hereby repealed, and the mayor and general council of the city of Atlanta are hereby vested with discretion to continue said office,

Sewers,
assess-
ments for.

Clerk of the
Commis-
sioner of
Public
Works.

in which case the term and compensation shall be fixed by ordinance, or to dispense with such office; and in case such office is abolished the duties prescribed by said Act of October 3d, 1895, to be performed by such clerk shall devolve upon the commissioner of public works, or such subordinate of such commissioner as may be provided by ordinance.

Board of
Education.

Sec. 9. Be it further enacted by the authority aforesaid, That section 78 of the Act approved February 28th, 1874, establishing a new charter for the city of Atlanta, be, and the same is, hereby amended by adding at the end of said section the following language: The Board of Education of the city of Atlanta shall be composed of seven members, one from each ward, and the mayor and chairman of the committee of council on public schools shall be *ex officio* members, and shall hereafter be recognized as one of the regular boards of the city government provided for by the charter of said city. These provisions shall apply to the existing board of education, the members of which shall continue in office until the end of the terms for which they have been elected respectively, unless vacancies shall occur by death, resignation or removal from office, and any vacancy so occurring shall be filled by elections by the mayor and general council. Vacancies occurring by expiration of term shall be filled by elections by the mayor and general council at the regular meeting next preceding the expiration of such term, and members thus elected shall hold office for a term of five years, and until their successors are elected and qualified. The board of education shall elect the superintendent, teachers and other officers of the public schools, and shall have the supervision and government of such schools in conformity with existing ordinances and such as may be made by the mayor and general council, but the board of education shall not have power to bind the city of Atlanta by contracts for the purchase of school property, or erection of school houses or the furnishing thereof, or for salaries of officers or teachers for any sum or sums in excess of the annual appropriation made by the mayor and general council for the support of the public schools, nor unless such contracts are assented to by said mayor and general council, so that said section when amended will read as follows:

Public
schools.

Sec. 78. The mayor and general council of said city are hereby empowered to maintain a system of public schools as now established by law in the said city which shall be free to all the children within the said city. And the said mayor and general council shall, by ordinance or otherwise, in their discretion provide for ap-

propriate agencies to regulate, improvise, and carry on said system of schools and render the same efficient. The board of education of the city of Atlanta shall be composed of seven members; one from each ward, and the mayor and chairman of the committee of council on public schools shall be *ex officio* members, and shall hereafter be recognized as one of the regular boards of the city government provided for by the charter of said city. These provisions shall apply to the existing board of education, the members of which shall continue in office until the end of the terms for which they have been elected respectively, unless vacancies shall occur by death, resignation or removal from office, and any vacancies so occurring shall be filled by elections by the mayor and general council.

Vacancies occurring by expiration shall be filled by elections by the mayor and general council at the regular meeting next preceding the expiration of such term, and members thus elected shall hold office for a term of five years, and until their successors are elected and qualified.

The board of education shall elect the superintendent, teachers and other officers of the public schools, and shall have the supervision and government of such schools in conformity with the existing ordinances, and such as may be made by the mayor and general council, but the board of education shall not have the power to bind the city of Atlanta by contracts for the purchase of school property or erection of school houses or the furnishing thereof or for salaries of officers or teachers, for any sum or sums in excess of the annual appropriation made by the mayor and general council for the support of the public schools.

Sec. 10. Be it further enacted by the authority aforesaid, That the mayor and general council of the city of Atlanta shall have power and authority to determine by ordinances passed from time to time on what streets or within what limits livery stables hereafter erected shall be located, and to prohibit the erection or occupancy of places other than the places or limits prescribed by such ordinances, and to enforce penalties for the violation of such ordinance as for violation of other such penal ordinances of said city.

Sec. 11. Be it further enacted by the authority aforesaid, That the Act amending the charter of the city of Atlanta, approved on the 3d day of September, 1881, authorizing the mayor and general council of said city to make an assessment on lots and lot owners of said city for sanitary purposes, which Act is published as section 157 of the city Code of Atlanta of 1891, be, and the same is,

Livery
stables.

Assess-
ments for
sanitary
purposes.

hereby amended by adding after the word "assessment" at the end of said Act the following words: "except where resident lots have two or more houses used or intended for use as separate tenements built upon them, in which case a sanitary assessment may be levied against the lot for each house situated thereon, so that said section when amended will read as follows:

Sec. 157. The mayor and general council of said city are hereby authorized to make an assessment of the various lots of land and lot owners in said city for sanitary purposes, not to exceed three dollars per annum on each lot so assessed, and said mayor and general council are hereby authorized and empowered to collect the same by execution against the lot so assessed and the owner thereof; the amount so assessed shall be a lien on the lot from the date of assessment. The execution shall be issued and enforced in the same manner that tax executions are issued and enforced in said city. The amount so collected shall be used for sanitary purposes only. Said mayor and general council shall have power and authority to prescribe what shall constitute a lot for sanitary purposes and assessment; *provided*, no lot shall be less than twenty-five feet front; *provided*, that this assessment provided in this section shall not be made on vacant lots, and resident lots shall not be subdivided for assessment except where the resident lots have two or more houses used or intended for use as separate tenements built upon them, in which case a sanitary assessment may be levied against the lot for each house situated thereon.

Condemna-
tion of
property.

Sec. 12. Be it further enacted by the authority aforesaid, That the mayor and general council of the city of Atlanta are hereby authorized to condemn property which may be needed in the judgment of said mayor and general council to enlarge its water-works plant or grounds, the condemnation proceedings in all cases to conform to the laws of the State authorizing and regulating the condemnation of private properties for public uses.

Salaries.

Sec. 13. Be it further enacted by the authority aforesaid, That all portions of the charter of the city of Atlanta which fix salaries of aldermen, councilmen or other officers or employees of said city, or members or employees of any of the various boards of said city be and the same are hereby repealed, it being the intention of this Act to leave the fixing of the salaries of all of the officers and employees of the city of Atlanta in the discretion of the mayor and general council; *provided*, that such salaries shall always be fixed by the mayor and general council the year preceding the election or appointment of any such officer or employee, and shall not

Atlanta, Charter of Amended.

be changed during the term of office or employment of such officer or employee.

Sec. 14. Be it further enacted by the authority aforesaid, That ^{City bonds.} the mayor and general council of the city of Atlanta are hereby authorized in their discretion to issue bonds of said city to the amount of \$200,000, to run not exceeding thirty years, and bearing interest at not exceeding four per centum per annum; principal and interest on which bonds shall be payable in gold coin of the United States of America, of the present standard of weight and fineness, or its equivalent. The interest to be evidenced by coupons and to be paid semi-annually; the proceeds of which bonds shall be devoted exclusively to the laying and extending of water mains within the city of Atlanta; *provided*, the qualified voters of said city assent by the requisite two-thirds majority to the issue of such bonds at an election to be held at any time in the year 1897 or 1898, when called by the mayor and general council of the city of Atlanta in accordance with the general laws of the State regulating the issue of county and municipal bonds; *provided, further*, that a special registration of the qualified voters of said city shall be made for the bond election herein provided for.

Sec. 15. Be it further enacted by the authority aforesaid, That ^{Hack hire.} the mayor and general council of the city of Atlanta are authorized to prescribe by ordinance reasonable charges to be collected by hacks, cabs, drays or other licensed vehicles for the transportation of persons, baggage, merchandise or other personal property, within the limits of the city of Atlanta.

Sec. 16. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 10, 1897.

ATLANTA, CHARTER OF AMENDED.

No. 314.

An Act to amend the charter of the city of Atlanta.

Section 1. Be it enacted by the General Assembly of the State of Georgia in General Assembly met, That the Act establishing a new charter for the city of Atlanta, approved on the 28th day of February, 1874, and the various Acts heretofore passed amending ^{Atlanta, charter of amended.}

Augusta. Extension of Cumming Street or Tenth Street.

tory to said Act, be, and the same are, hereby amended in the respects hereinafter stated, and especially the thirteenth (13th) section of an Act amending said charter, approved on December 9th, 1897.

Salaries.

Sec. 2. Be it further enacted by the authority aforesaid, That section thirteen (13) of the Act approved December 9th, 1897, repealing sections eighteen (18) and nineteen (19) of an Act amending the charter of said city, approved December 23d, 1896, in reference to fixing the salaries of the mayor and members of the general council and of all boards of said city and other employees and officials of said city, be, and the same is, hereby repealed.

Sec. 3. Be it further enacted, That sections eighteen (18) and nineteen (19) of the said Act amending the charter of the city of Atlanta, approved December 23d, 1896, are hereby re-enacted so that the same shall be of force as they were prior to the repeal of the same by said section thirteen (13) of the Act to amend the charter of the city of Atlanta, approved December 9th, 1897.

Repealing clause.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with the foregoing Act be, and the same are, hereby repealed.

Approved December 20, 1897.

AUGUSTA, EXTENSION OF CUMMING STREET OR TENTH STREET.

No. 313.

An Act to authorize and empower the city council of Augusta to extend Cumming street, or Tenth street, in the city of Augusta, across the right of way of the Georgia Railroad and Banking Company, between Walker and Fenwick streets, in said city, and for other purposes.

Augusta, extension of Cumming or Tenth street.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the city council of Augusta shall have power to extend Cumming, or Tenth street, in said city, across the right of way and property of the Georgia Railroad and Banking Company, between Fenwick and Walker streets, in the city of Augusta, said extension not to be wider than the present street on the south side of said right of way; *provided*, that said street shall not be opened if it should be made to appear in the case now pending between the city council of Augusta and the Georgia Rail-

Proviso.

Blairsville, Charter Amended.

road and Banking Company in Richmond Superior Court concerning the opening of said street, that the use of the railroad yard and the use of the street cannot reasonably stand together, or that the latter use, when exercised, must necessarily supersede the former.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 20, 1897.

BLAIRSVILLE, CHARTER AMENDED.

No. 235.

An Act to amend the charter of the town of Blairsville, in the county of Union, approved December 7th, 1847, by enlarging the incorporate limits thereof, defining the limits, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the corporate limits of the town of Blairsville be, and the same are, hereby enlarged so as to extend as follows: Beginning at the court-house in the town of Blairsville, and extending eastward on the road leading from Blairsville to Young Harris, eight hundred yards; westward on the road leading from said town to Morganton six hundred and twenty-five yards; southward on the road leading from said town to Cleveland, Ga., eight hundred yards; northward on the road leading from said town to Murphy, N. C., to the boundary line of the land purchased by the inferior court of said county for the county site; westward on the road leading from said town to Lower Young Cane six hundred and twenty-five yards, the termination of each of the said lines intersecting with that of the others by a direct line. Blairsville, corporate limits of

Sec. 2. Be it further enacted by the authority aforesaid, That said annexed territory be, and the same is, hereby made a part of the town of Blairsville, and subject to all laws and ordinances of said town. Territory of.

Sec. 3. Be it further enacted by authority aforesaid, That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed. Repealing clause.

Approved December 15, 1897.

BRUNSWICK, CHARTER OF AMENDED.

No. 335.

An Act to amend the charter of the city of Brunswick, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same. That section 1 of the consolidated and amended charter of the city of Brunswick, approved August 27th, 1872, be so amended by adding after the word "river" and before the word "thence" in the sixth line of said section the following words: "On that line traced, surveyed and marked by Charles S. Wyly and E. A. Meader, surveyors, and reported on the 19th day of September, 1896, by said surveyors to the mayor and council of the city of Brunswick, and by said mayor and council on the 31st day of October, 1896, finally adopted as and declared to be the true northern boundary line of the corporate limits of said city," so that said section when amended shall read as follows: "That the corporate limits of the city of Brunswick shall continue to be, and the same are hereby defined as follows, to wit: The northern boundary line shall begin at the intersection of a creek, commonly called Dart's Narrows, or Cut, and the waters of Back river, and shall run thence due west to the channel of Turtle river on that line traced, surveyed and marked by Charles S. Wyly and E. A. Meader, surveyors, and reported on the 19th day of September, 1896, by said surveyors to the mayor and council of the city of Brunswick, and by said mayor and council on the 31st day of October, 1896, finally adopted as and declared to be the true northern boundary line of the corporate limits of said city; thence southwardly and eastwardly along the channel of said Turtle river and the southern line of the channel of St. Simon's Sound to the outer sea buoy in the open sea; thence westwardly along the northern line of the channel of St. Simon's Sound to the mouth of said Back river; thence up said river to the place of beginning."

Brunswick,
charter of
amended.

Corporate
limits.

Sec. 2. Be it further enacted by the authority aforesaid, That subdivisions "B" of section fourteen of the amended charter of the city of Brunswick, approved November 12th, 1889, be amended by striking from the thirteenth line of said subdivision "B" of section fourteen the word "twelve" and insert in lieu thereof the word "four," so that subdivision "B" of section fourteen when so

amended shall read as follows: "B. That if, on the first day of May of any year, there is any such real estate in said city which has not been so returned by the owner or claimants thereof, it shall be the duty of clerk of council of said city to issue an execution against said real estate which has not been so returned by the owner or owners thereof, as non-returned property, which execution shall plainly describe the property against which it is issued so as to sufficiently and with reasonable certainty identify the same, and it shall be directed to the marshal of the city of Brunswick, requiring him to levy upon that particular property, and out of the same to make by levy and sale the amount of the taxes due on said property for that year; and that the sale of non-returned property shall be advertised once a week for four weeks before the day of sale, and that when any property is sold as non-returned property as aforesaid, when the same was not returned and the terms of this Act authorizing such sale shall have been fully complied with, and the same is not redeemed within the time hereinafter mentioned, that then and in that case the sale of the same shall absolutely and entirely divest the claim and title to the same from all persons before and at the time of such sale claiming or owning the same or any interest therein, and shall vest the title thereto absolutely and unconditionally in the purchaser at such sale, and his heirs and assigns, and that any person who will make oath before any officer authorized by the laws of this State to accept an affidavit that he is the owner, or agent of the owner, stating the name of the real owner (and if such affidavit is made by a trustee, he shall state who are the *cestui que* trusts for whom he claims) of such property, and that he desires to get a reconveyance of the same, he may do so on paying the amount of the purchase money at such sale and all costs and charges and ten per cent. on all the same at any time within twelve months from the day of the sale; and that whenever property is sold as non-returned property, as aforesaid, and brings more than the amount of the taxes and costs attending such sale, the marshal shall pay the excess to the treasurer of said city and take his receipt for the same, which balance shall be held by said treasurer for the space of two years from the date of the sale, when, if no person has made claim to the same as hereinafter provided, the same shall become the property of the said mayor and council, and by them used for the best welfare of said city, and no suit at law or in equity shall be brought to recover such excess after said period of two years; and when any person within said period of twelve months shall redeem such non-returned property as aforesaid, it shall be the duty of the treasurer

Tax on un-
returned
property.

to pay any such excess, as aforesaid, over to the person redeeming the same, and take his receipt on the back of such affidavit, and if such excess is claimed after a period of one year, and within said period of two years, by any owner or claimant, then it shall be only necessary for such owner or claimant or agent of such to make an affidavit that he was the owner of such non-returned property, or the agent of the owner, and name in his affidavit the owner, and stating that the time in which to redeem the same having lapsed, he desires to have paid to him such excess, and on his receipt on the back of such affidavit the treasurer shall pay to him the same.

Queen
Square.

Sec 3. Be it further enacted, That the charter of the city of Brunswick, and the amendments thereto, be further amended as follows, to wit: That the mayor and council of the city of Brunswick may, and upon a two-thirds vote of said mayor and council in regular session, give, grant, donate, sell or lease any portion or all of Queen Square, in the city of Brunswick, as designated upon the map or plan of said city. made by George R. Baldwin on the 25th day of May, 1837, saving and excepting that portion used as streets now opened through and around said square, to itself, the county of Glynn or Federal Government, for the purpose of erecting and maintaining any public building or buildings thereon, and to that end the city by its duly constituted authority may execute a deed or deeds, lease or leases, as the judgment of the mayor and council may direct, for the sole and only use to erect and maintain a public building or buildings thereon, but no authority is given to the city government to convey by grant, donation, lease or otherwise, to any individual or corporation, public or private, any portion of said Queen Square for the erection or maintenance of any buildings, except a public market, for the purpose of corporate or individual gain, and no buildings erected by the city, county of Glynn or Federal Government, when so erected, shall be used for private or corporate gain, saving and excepting a building for a public market.

Elections.

Sec. 4. Be it further enacted, by the authority aforesaid, That the charter of said city of Brunswick be further amended as follows, to wit: That all future elections for a mayor and four aldermen, or four aldermen, of the city of Brunswick after the year 1897 shall be held on the second Tuesday in December, instead of on the second Saturday in December, as is now provided by the charter of said city.

Repealing
clause.

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

Buchanan, Charter of Amended.

BUCHANAN, CHARTER OF AMENDED.

No. 169.

An Act to amend the charter of the town of Buchanan, in the county of Haralson, so as to provide for a board of trustees to care for and control the school property of said town; to manage the school interest of said town; provide the manner of electing said board, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the charter of the town of Buchanan, in the county of Haralson, be, and the same is, hereby amended as follows: The council for said town elected for the year 1898 shall, at its first meeting, or as soon thereafter as practicable, elect a board of education for said town, consisting of four members, whose duty it shall be to care for, control and protect the school property of said town, to manage the school interest of said town, and do and perform such other acts in connection with the schools of said town as may be necessary and expedient.

Buchanan.
Board of
Education
for.

Sec. 2. Be it further enacted by the authority aforesaid, That the manner of electing said school board shall be as follows: At said first election for 1898, the first person voted for and elected shall serve for a term of one year; the second person so voted for and elected shall serve for a term of two years; the third person so voted for and elected shall serve for a term of three years, and the fourth person so voted for and elected shall serve for a term of four years, as provided for in the first section of this Act; each council after its qualification shall elect one member of said board to succeed the member whose term shall have expired, the full term of each member being four years, and they shall serve without compensation.

Election
of board.

Sec. 3. Be it further enacted by the authority aforesaid, That said board shall organize by electing one of its members chairman and another one secretary. That said board shall keep a minute of its proceedings and render an annual report to the mayor and council of its actings and doings, which report, or so much thereof as refers to the receipt and disbursement of money, shall be published with the report of said mayor and council.

Organiza-
tion of
board.

Sec. 4. Be it further enacted by the authority aforesaid, That in case of a tie in said board on any question, the chairman shall call in the mayor of said town, who shall cast the deciding vote. In

Mayor and
board.

 Clarkesville, City of Incorporated.

no other manner shall he participate in the proceedings of said board.

Repealing
clause.

Sec. 5. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this provision of this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

 CLARKESVILLE, CITY OF INCORPORATED.

No. 277.

An Act to repeal an Act entitled "an Act to incorporate the town of Clarkesville, in the county of Habersham, and for other purposes," approved August 22d, 1891, and to incorporate the city of Clarkesville, in the county of Habersham, to define the corporate limits thereof, to confer upon the mayor and council thereof certain powers, privileges and duties, to provide for public schools, and for other purposes.

Clarkes-
ville, city
of incor-
porated.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That Clarkesville, in the county of Habersham, is hereby incorporated under the name and style of the city of Clarkesville, and in said name may sue and be sued, plead and be impleaded in any of the courts of said State; shall have and use a common seal; shall buy, sell, own and possess all property, real and personal, that may be necessary for the corporate duties and existence, and shall succeed to all the rights and liabilities of the town of Clarkesville; that the corporate limits of said city shall be as follows: Commencing at the southeast end of the Soque river bridge next to said city, thence up said river to a point opposite the original northwest corner, between lots two and twenty-three, in the twelfth land district of said county, thence to said corner and along the line between said lots, S. 30 E. and along the line; same course between lots numbers three and twenty-two in said district, and continuing in same direction until it strikes the southeast side of the right of way of the B. R. & A. R. R.; thence along the southeast side of the said right of way to a point opposite where the original corner between lots numbers forty and forty-one is; thence north 30 west by said corner and along the line between lots numbers twenty and twenty-one, and between lots numbers eighteen and nineteen,

Clarksville, City of Incorporated.

all in the tenth land district of said county, to Soque river, thence up said river to the bridge, the place of beginning.

Sec. 2. Be it further enacted by the authority aforesaid, That the government of said city shall be vested in a mayor and five councilmen, who shall be elected at the time and in the manner and for the term hereinafter provided, and until the first election provided for, W. J. Fuller shall be mayor; S. M. Ohestnutt, J. H. Asbury, E. Berry, J. L. York and O. M. Askea shall be the councilmen of said city. Government of.

Sec. 3. Be it further enacted by the authority aforesaid, That the annual election for mayor and councilmen shall be held on the second Tuesday in December of each and every year, and the officers then elected shall enter upon the discharge of their duties at the first regular meeting in the January following, and shall hold their office for one year or until their successors are elected and qualified. The regular place for holding said election shall be at the court-house in said city. The mayor and council shall appoint three freeholders, who shall be electors under this Act, as managers of said election, whose duty it shall be to receive and count the votes polled and declare the result of the election. Said managers shall be sworn to a faithful, honest and impartial discharge of their duties. Mayor and councilmen, election of.

Sec. 4. Be it further enacted by the authority aforesaid, That all persons qualified to vote for members of the General Assembly in the county of Habersham, and who reside in the city of Clarksville, and who shall have paid all legal taxes imposed and demanded by the authorities of said city, and who have done all work on the streets of said city required by said authorities, and who shall have resided in said city for at least thirty days next preceding the date of said election, shall be entitled to vote for mayor and councilmen of said city. Voters of.

Sec. 5. Be it further enacted by the authority aforesaid, That any elector shall have the right to challenge any voter offering to vote, whereupon the managers shall administer to such voter an oath touching his qualification to vote under this charter, and any person voting illegally at such election shall be subject to the same penalties as are prescribed by the laws of this State for illegal voting in State and county. Challenge of voter.

Sec. 6. Be it further enacted by the authority aforesaid, That the mayor of said city shall post at the court-house and publish in the city newspaper the time for holding said election and the Notice of election.

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names of the managers thereof at least ten days before said election.

Vacancies.

Sec. 7. Be it further enacted by the authority aforesaid, That in case a vacancy occurs amongst the members of council for any cause, the mayor shall advertise an election to fill said vacancy, and in case of a vacancy in the office of mayor from any cause the city council shall order an election to fill the vacancy, giving at least ten days' notice thereof, both by posting at the court-house door and the city newspaper.

Members
elected.

Sec. 8. Be it further enacted by the authority aforesaid, That immediately after any election for mayor and council, or to fill vacancies, the managers, after counting the votes, shall hand over to the mayor for the time being a copy of the tally-sheet, and shall retain a copy themselves. Thereupon, the mayor shall notify the persons elected, and on or after the first meeting in January after their election, the elect shall take and subscribe before the outgoing mayor, or any justice of the peace, the following oath, to wit: "I, A B, do swear that I will well and truly perform the duties of mayor (or member of council, as the case may be) of the city of Clarkesville by adopting such measures as in my judgment be best calculated to promote the welfare of the inhabitants of said city, so help me God," and shall at once enter upon the discharge of their respective duties.

Oath of.

Mayor
pro tem.

Sec. 9. Be it further enacted by the authority aforesaid, That the mayor and council shall elect a mayor *pro tem.*, who shall be clothed with all the powers of mayor in cases of absence or disqualification of the mayor.

Mayor *ex
officio*
justice of
the peace.

Sec. 10. Be it further enacted by the authority aforesaid, That the mayor shall be bound to keep the peace and shall be *ex officio* justice of the peace so far as to enable him to issue warrants for offenses committed in said city, and shall have the power to bind over or commit after examination all offenders against the laws of the State for such offenses.

Mal-
practice.

Sec. 11. Be it further enacted by the authority aforesaid, That the mayor or any member of the council shall be liable to prosecution before the Superior and city courts for malpractice in office as now provided by law in cases of justices of the peace.

Mayor,
authority
and duty.

Sec. 12. Be it further enacted by the authority aforesaid, That the mayor of said city shall have a general supervision of said city and its affairs and officers. He shall be required to make out and publish annually a full statement of the financial condition of the city. Neither the mayor nor any member of the coun-

cil shall be accepted as security on any bond or recognizance required to be given by the charter or laws of said city, nor shall any one of them be interested, directly or indirectly, in any contract, office or appointment in said city. The mayor and council shall hold regular meetings at such times as they may designate.

Sec. 13. Be it further enacted by the authority aforesaid, That ^{City} the mayor and council shall appoint or elect a marshal, a clerk, a treasurer, an attorney, and such other officers as they may deem necessary, requiring such bonds and subscribing official oaths for faithful discharge of duty as they may see fit, and shall fix their compensation, shall have power of removal for good cause, and complete control of all subordinate officers. They shall also have power to appoint such additional police forces as may be necessary, and shall prescribe the duties to be performed by each and every officer elected or appointed by them.

Sec. 14. Be it further enacted by the authority aforesaid, That ^{Streets, etc., condemnation for.} the mayor and council shall have full power and authority to condemn land for the purpose of laying out new streets, alleys or sidewalks, to lay out and open new streets in any part of said city, to alter or abolish any existing streets or alleys; to control, protect, work and repair the public square and all streets and alleys in said city, and to exercise full control of the same; *provided*, they in no way interfere with the use, enjoyment or necessary control of county buildings in said county. Said mayor and council shall have full control of the streets, lanes or alleys of said city; shall have power to require all persons in said city liable to road duty to work the roads, streets, sidewalks, alleys, squares or lanes of said city, said work not to exceed fifteen days by any hand in one year; or they may levy and collect a commutation tax for street work, not exceeding five dollars per capita per annum for each person liable to road duty in said city. The mayor and council of said city shall also have power to open and widen streets, and to compel property owners to make and keep in good order sidewalks, and to enforce the same by levy and sale of the land of the abutting property owner.

Sec. 15. Be it further enacted by the authority aforesaid, That ^{Powers of mayor and council.} the mayor and council shall have power and authority to make and pass all such constitutional and lawful ordinances, by-laws, rules and regulations as they shall deem necessary for the good order, peace, health, prosperity and welfare of said city; shall provide appropriate penalties for a violation thereof, and shall, at all times, preserve good order, peace and quiet in said city; *provided*, that

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the mayor, or mayor and council, shall have power to impose a fine for violation of any ordinance of said city not exceeding fifty dollars or imprisonment in the guard-house or calaboose not exceeding thirty days, or in default of the payment of said fine, shall have power to work said offender on the streets of said city not exceeding thirty days; *and provided also*, that the power to punish for contempt shall not exceed twenty dollars' fine or twenty days' imprisonment.

Licenses. Sec. 16. Be it further enacted by the authority aforesaid, That the mayor and council shall have power to grant licenses, upon payment of a sum prescribed, to auctioneers, to vehicles, and to limit the rates of freight and passage on the same in the city, on all hotels, boarding-houses, restaurants, barber shops, billiard saloons or tables, ten-pin alleys, and all other establishments not herein mentioned.

Market. Sec. 17. Be it further enacted by the authority aforesaid, That the mayor and council shall have the power to license the sale of fresh meats or other articles usually sold in markets; *provided*, they may free all such articles from taxation in their discretion.

Public grounds. Sec. 18. Be it further enacted by the authority aforesaid, That the mayor and council shall have power to regulate all lanes, alleys, sidewalks, public squares, parks, privies, butcher-pens, slaughter-houses, and all other places and houses in the city, and they may

Nuisances. remove anything if it shall become a nuisance or injurious to the health of the city; they shall have power to condemn and cause to be removed any building or structure that is dangerous or a nuisance; they shall have full power over all pumps, cellars, cisterns, fire companies and engines within the city.

Fire regulations. Sec. 19. Be it further enacted by the authority aforesaid, That the mayor and council shall have the power to provide against the ravages of fire and shall control all chimneys, flues, stoves, forges, shops and everything else that endangers the property of the city.

Streets. Sec. 20. Be it further enacted by the authority aforesaid, That the mayor and council shall have authority to direct all work on the streets, squares or alleys, all bridges, cross-ways, or other constructions. They shall prevent and have removed all obstructions on the streets, lanes or squares of the city and shall be authorized to punish injury or damage done to the property of the city or its streets, alleys or squares, as well as that belonging to the county of Habersham located in said city.

Sec. 21. Be it further enacted by the authority aforesaid, That

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the marshal of said city, his deputy or any policeman acting by authority of said marshal or of the mayor and council, shall be authorized to arrest any violator of the ordinances of said city, or any person guilty of a breach of the peace or of riot or boisterous and disorderly conduct in said city with or without process; *provided*, said arresting officer or policeman shall carry such offender with the least possible delay before the mayor or other officer authorized to hear and determine such charge.

Marshal
and police-
men.

Sec. 22. Be it further enacted by the authority aforesaid, That the mayor or mayor *pro tem.*, or in absence or disqualification of both of such officers, any member of council shall have authority to try all persons charged with violations of the ordinances of said city, and, upon conviction, to impose lawful punishments. Said mayor's court to be held in the council chamber at such times and for such length of time as may be provided by ordinance or by by-laws, or as the public exigencies may require.

Mayor's
court.

Sec. 23. Be it further enacted by the authority aforesaid, That said mayor and council shall be empowered to levy and collect a general tax upon all the taxable property, real, personal, and choses in action, located in said city not to exceed one per cent. in order to raise funds to carry out the purposes and intentions of said incorporation and to advance the general interest and public welfare of the citizens of said city. And it shall be lawful for the marshal of said city to levy any *fi. fa.* for taxes or other dues to said city upon any property, real or personal, of the defendant in *fi. fas.* or upon which *fi. fa.* may be supposed to have a lien found within the limits of said corporation. If said property be personalty, he may sell the same after ten days' notice, posted at three of the most public places in said city. If said property so levied upon be liable to deteriorate from keeping, he may sell the same upon such short notice posted as above as the mayor may by order direct. If the property so levied upon be realty, he shall advertise the same for sale in four issues of the newspaper in which the sheriff's sales of said county are advertised, and may on the first Tuesday in a month sell the same to the highest bidder for cash, and make to the purchaser a deed therefor and put the purchaser in possession, said sale to be in all respects under the same rules and regulations of sheriff's sales so far as applicable.

General
tax.

Collection
of taxes.

Sec. 24. Be it further enacted by the authority aforesaid, That the mayor shall receive the sum of fifty dollars per annum, and no more, as his compensation or salary. No member of the council shall receive any compensation or salary other than his street-tax.

Salary of
Mayor.

Clarkesville, City of Incorporated.

Registra-
tion of
voters.

Sec. 25. Be it further enacted by the authority aforesaid, That the mayor and council may in their discretion provide for an annual registration of all the voters in said city agreeable to the provisions of this charter as to the qualification of voters.

Public
schools.

Sec. 26. Be it further enacted by the authority aforesaid, That from and after the passage of this Act there may be established in the city of Clarkesville a system of public schools to be conducted, maintained, supported and provided for in the manner prescribed in this Act.

School
election.

Sec. 27. Be it further enacted by the authority aforesaid, That in conformity with article 8, section 4, paragraph 1 of the Constitution, when the mayor and council of said city shall recommend that a system of public schools to be established and maintained in said city by carrying into effect this Act, an election shall be held in said city on the day to be appointed by the mayor and council of said city on the question of local taxation for the support of said system of public schools, and all persons resident in the said city of Clarkesville who are qualified to vote for members of the General Assembly shall be entitled to a vote in the election herein provided. All voters who favor the adoption of provisions of this Act shall have written or printed on their ballots "For public schools," and those opposed shall have written or printed on their ballots the words "Against public schools," and in case two-thirds of the qualified voters in said city shall in said election vote for public schools, then it shall be the duty of the mayor and council of said city annually to raise by taxation a sum sufficient to carry out the purposes of this Act. Notice of said election shall be given by the mayor of said city (in a newspaper published in said city) once a week for two weeks next preceding said election. In case two-thirds of the qualified voters of said city do not vote for public schools in any election held under this Act, an election may be held in said city by order of the mayor and council of said city annually until the provisions of this Act are adopted by a vote of two-thirds for public schools. The managers of each election provided for in this Act shall count the votes and return all the papers to the mayor and council, who shall declare the result, certify to the same, and publish it one time in a newspaper published in said city. Before declaring and certifying to the result for publication, said mayor and council shall wait until twelve o'clock m. on the day after the election, and if no notice of contest is given by that time no contest shall be had. If notice of contest is given as above allowed, the contest shall be heard by the mayor and council, who

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shall hear and determine the same and publish the result as above stated.

Sec. 28. Be it further enacted by the authority aforesaid, That Board of education. in case of two-thirds majority of the qualified voters of said city in any one of said elections shall vote for public schools, J. K. Burns, F. L. Asbury, S. M. Chestnutt, L. C. Furr, and C. T. Wilbanks shall be and constitute the board of education of the city of Clarkesville, with the right in them and their successors to take and hold in trust for school purposes in said city, any grant, conveyance, or devise of lands, or any donation, gift or bequest of money or other personal property made to them for educational purposes. The terms of said board of education shall be as follows: J. K. Burns and F. L. Asbury shall hold for one year; S. M. Chestnutt and L. C. Furr shall hold for two years; and C. T. Willbanks shall hold for three years. Each member shall hold over after the expiration of his term until his successor is elected and qualified. The elections to fill vacancies on the board occurring annually by expiration of terms shall be held annually on the same day that municipal elections of said city are held, at the same time, subject to the same regulations, and by the same managers as said municipal elections for the election of mayor and council, and those receiving the highest number of votes shall be declared elected. All vacancies otherwise than by the expiration of terms shall be filled by the remaining members of the board. If from any cause an election is not held on the designated day the board of education shall appoint a day and give notice thereof in a public gazette once a week for two weeks next preceding the election. All members elected to succeed those whose terms have expired shall be elected for a term of three years and until their successors are elected and qualified, and those elected by the board to fill unexpired terms shall hold for the balance of said unexpired terms.

Sec. 29. Be it further enacted by the authority aforesaid, That Board of education incorporated. said board of education shall be a body corporate with the right to sue and be sued, plead and be impleaded in any of the courts of this State.

Sec. 30. Be it further enacted by the authority aforesaid, That Teachers. the board of education shall have power to appoint such principal and such number of assistant teachers as they may deem necessary; to remove any principal or any of the teachers when they consider it is to the interest of the school to do so; to fix the salaries of the principal and assistants, and the mode and time of payments; to prescribe the course of studies; and shall adopt such rules and regulations as may be necessary for the successful conduct of said

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school, and shall have general oversight and mangement of the schools, and shall do such other acts not inconsistent with the laws of this State as may promote the efficiency of the system of education under their charge.

Board of
education,
organiza-
tion of.

Sec. 31. Be it further enacted by the authority aforesaid, That said board shall organize by electing from their number a president, a vice-president, secretary and treasurer. The secretary and treasurer shall keep a record of all the acts of the board and keep the records thereof open to the inspection of all the citizens of said city. The treasurer shall give bond for the safe keeping and disbursement of the funds in his charge, the amount of the bond and the sufficiency of the security to be judged by said board of education. Said bond shall be made payable to the board of education of said city, and the said board is authorized to sue thereon to recover for any breach thereof, and any expenses incurred by said board of education in carrying out any of the provisions of this Act shall be paid of any funds in the treasury of said board of education. It shall not be lawful for said secretary and treasurer to pay out any funds except by order of the board. The majority of said board shall constitute a quorum in the transaction of any and all business.

Schools
free.

Sec. 32. Be it further enacted by the authority aforesaid, That the schools established by authority of this Act shall be free to all the children residing within the corporate limits of the city of Clarkesville. Children of non-residents may be admitted to said school upon such terms as may be prescribed by said board of education.

Separate
schools for
races.

Sec. 33. Be it further enacted by the authority aforesaid, That provisions shall be made under this Act by said board for the education of all children, both white and colored, in said city, but separate schools shall be provided for white and colored children.

School
fund.

Sec. 34. Be it further enacted by the authority aforesaid, That the amount of the public school fund of Habersham county to be paid to the city of Clarkesville shall be estimated according to the ratio that the school population of the said city of Clarkesville bears to the school population of Habersham county, as shown by the latest school census; and the teachers of the public schools of the city of Clarkesville shall make out reports of the attendance of non-resident children entitled to draw the State school fund, and when said reports are passed upon by the county school board and approved by them, the county school commissioner shall pay over to the treasurer of the city school board of the city of Clarkesville its *pro rata* share of said non-resident pupils, which amount the

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said school commissioner shall turn over to the treasurer of said board, and such fund shall be applied to the maintenance of said public schools according to the provisions of this Act; and it shall further be the duty of said treasurer to receive from the mayor and council of said city all money raised by them by taxation under this Act or otherwise, to be applied and appropriated under the directions of said board according to the provisions of this Act; and it shall be the duty of said mayor and council to turn over to said treasurer said funds on the order of said board; and the treasurer of said board shall also receive the incidental fees and other proceeds of said school and report the same to the board at each meeting thereof.

Sec. 35. Be it further enacted by the authority aforesaid, That School tax. said board of education shall determine as early as practicable after the beginning of the scholastic year what amount of money it will be necessary to raise by taxation to defray the expenses of running said public school for the ensuing year, and it shall lay the same before the mayor and council of the city of Clarkesville, and it shall be the duty of said mayor and council to proceed to levy and collect the same; and when collected, the collecting officer of said mayor and council shall pay the same over to the board of education, which shall then constitute a fund to be expended by said board in payment of teachers and other expenses incidental thereto.

Sec. 36. Be it further enacted by the authority aforesaid, That Schools graded. the board of education shall provide a system of graded schools for a term of not less than eight scholastic months in each year.

Sec. 37. Be it further enacted by the authority aforesaid, That Election. the mayor and council of the city of Clarkesville shall, within fifteen days after the notification of the passage of this Act, order an election, of which notice shall be given by publication of the time and place in a public gazette published in said city, once a week for two weeks next preceding the day of election, at which election the qualified voters residing within the corporate limits of said city, as specified in section 27 of this Act, shall be entitled to vote as herein provided.

Sec. 38. Be it further enacted by the authority aforesaid, That Repealing clause. all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

CLAYTON, CHARTER OF AMENDED.

No. 281.

An Act to amend the charter of the town of Clayton in Rabun county, as set forth in Act entitled "An Act to incorporate the town of Clayton in Rabun county and to grant corporate powers to the same, and for other purposes, approved February 28, 1874."

Clayton,
charter of
amended.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the charter of the town of Clayton in Rabun county, as set forth in an Act entitled "An Act to incorporate the town of Clayton in Rabun county and to grant corporate powers to the same, and for other purposes, approved February 28, 1874," be, and the same is, hereby altered and amended as set forth in the following sections of this Act.

Corporate
limits.

Sec. 2. Be it further enacted by the authority aforesaid, That the corporate limits of said town of Clayton shall not extend more than one mile in each and every direction from the court house where it now stands in said town, and a less distance if the mayor and town council deem it to be to the best interest of said town to so place them; *provided*, that said corporate limits shall not be decreased by said mayor and council until an election has been held for said purpose and two-thirds ($\frac{2}{3}$) of the qualified voters of said town voting at said election shall have expressed their preferences for said change.

Mayor and
council-
men, elec-
tion of.

Sec. 3. Be it further enacted by the authority aforesaid, That an election shall be held on the second Saturday of January in each year, or on such other day as the mayor and council may by ordinance direct, for mayor and three councilmen, who shall serve until their successors shall have been elected and qualified.

Annual
elections.

Sec. 4. Be it further enacted by the authority aforesaid, That on the second Saturday in January, 1898, and on the same day in each year thereafter, unless otherwise ordered by the mayor and town council, an election shall be held for mayor and councilmen of said town; but no one shall vote for or be eligible to the office of mayor or councilmen who does not reside within the corporate limits thereof, and who is not qualified to vote for members of the General Assembly of this State; *provided*, that in no municipal election held for any purpose whatever in said town shall registra-

tion be a condition precedent to any citizen's voting who is otherwise qualified, unless the mayor and council of said town shall so order. Said election shall be held and conducted in the same manner as elections for county officers in this State, and a certificate of the managers shall be sufficient authority to the persons elected to authorize them to enter on the discharge of their duties as such mayor and councilmen.

Oath of
mayor and
council-
men.

Sec. 5. Be it further enacted by the authority aforesaid, That before entering on the discharge of their duties the mayor and each councilman shall subscribe the following oath, which may be administered by the outgoing mayor or any person authorized by the laws of this State to administer oaths: "I do solemnly swear that I will faithfully discharge all the duties incumbent on me as mayor (or councilman as the case may be) of the town of Clayton to the best of my ability, skill and understanding, so help me God."

Officers.

Sec. 6. Be it further enacted by the authority aforesaid, That the said mayor and councilmen shall have power and authority to elect such marshal (or marshals), clerk, treasurer and other subordinate officers as may be deemed necessary by them for carrying into effect the power herein conferred; *provided*, that the offices of clerk and treasurer may be filled by one and the same individual; to prescribe the salaries or fees and duties of such subordinate officers and require such bonds for the faithful performance of their duties as they may deem necessary and proper.

Quorum.

Sec. 7. Be it further enacted by the authority aforesaid, That the mayor (or in his absence the mayor *pro tempore*) and two councilmen shall constitute a quorum.

Ordinances

Sec. 8. Be it further enacted by the authority aforesaid, That said mayor and council shall have power and authority to pass all such ordinances and by-laws as they may deem necessary for the government of said town which are not inconsistent with the Constitution of this State and of the United States.

Taxes.

Sec. 9. Be it further enacted by the authority aforesaid, That said mayor and town council shall have power to levy and collect taxes not exceeding one-half of one per centum upon all property, both real and personal, within the corporate limits of said town, and on all trades, professions or occupations carried on within the limits of said town, not to exceed *ten dollars*. They may require a license not to exceed one hundred dollars on ten-pin alleys, billiard and pool tables and all other establishments calculated to encourage idleness, and on all shows and exhibitions performing for the purpose of gain, and they shall have power to regulate or prohibit by

high license or otherwise the sale of spirituous liquors or intoxicating drinks; *provided*, that license to sell said spirituous liquors or intoxicating drinks, if granted by said mayor and town council, shall not be less than two hundred and fifty (\$250) dollars; and to pass such ordinances for the abatement of nuisances and removing obstructions from the streets and public ways of said town, and to lay out streets and regulate the width and length of the same. They shall also have power to require all persons within said corporation who are subject to road duty under the laws of this State to work on the streets and public ways of said town, or they may prescribe a commutation tax which may be paid in lieu of said work on said streets or public ways, and shall have power to fine any defaulter who fails or refuses to work on said streets and public ways when so required not exceeding three (\$3.00) dollars per day for each day he so fails or refuses to work, or to imprison him in the town guard-house, or to force him to work on the streets and public ways of said town; said imprisonment or labor shall not exceed three days for each day he fails or refuses to work; *provided*, that no citizen shall be compelled to work more than fifteen days during one year nor more than five days at any one working, except he be forced to work as a defaulter.

Mayor's
court.

Sec. 10. Be it further enacted by the authority aforesaid, That the mayor, or, in his absence, the mayor *pro tempore*, who shall be elected by the council (from their number), shall be the chief executive officer of said town, and shall have power and authority to hold at such times and places, or under such rules as the said mayor and council may make, a mayor's court for said town for the trial of offenders against the ordinances of said town, and impose such penalties for the violation thereof as may be prescribed by the ordinances of said town of Clayton; *provided*, that in no case shall the punishment exceed one hundred (\$100) dollars fine, or imprisonment in the town guard-house or labor on the streets and public ways of said town not to exceed 30 days for each and every offense, directly or indirectly, or in the alternative; *provided further*, that said mayor, or, in his absence, the mayor *pro tempore*, shall have power in his discretion to demand immediate payment of all fines and costs, or he may order executions issued for the same, which executions shall be issued by the clerk and bear test in the name of the mayor or mayor *pro tempore*, as the case may be.

Fi. fas., col-
lection of.

Sec. 11. Be it further enacted by the authority aforesaid, That said mayor and town council shall have power to make such by-laws to regulate sales of property, both real and personal, levied on to satisfy any execution issued in favor of said town, as will effect-

ively bring the same to sale, not inconsistent with the Constitution of this State.

Sec. 12. Be it further enacted by the authority aforesaid, That ^{Appeals from mayor's court.} any person or persons who shall be dissatisfied with the punishment inflicted on them by the mayor, or, in his absence or disqualification, the mayor *pro tempore*, of said town, shall have the right to appeal to the council at the next regular meeting upon payment of all costs and giving bond and good and sufficient security for their appearance before said council, to abide by the final decision of said council, who may, after investigating said case, either affirm, modify or reverse the decision of the mayor or mayor *pro tempore*. They, as well as the mayor or mayor *pro tempore*, shall have full power to compel the attendance of witnesses under the same rules and regulations as are now required for the attendance of witnesses at a justice's court.

Sec. 13. Be it further enacted by the authority aforesaid, That ^{Mayor ex officio a justice of the peace.} the mayor, or, in his absence or disqualification, the mayor *pro tempore*, shall be to all intents and purposes a justice of the peace, so far as to enable him to issue warrants for offenses committed within the corporate limits of said town, and to commit to the jail of Rabun county offenders against the criminal laws of this State, or accept good and sufficient bail for their appearance at the next term of the court with competent jurisdiction to try the same.

Sec. 14. Be it further enacted by the authority aforesaid, That ^{County jail.} said mayor and town council shall have the right and privilege to use the common jail of Rabun county for such town guard-house by paying the jail fees allowed the jailer for other prisoners, or they may use any other place within the limits of said town for the purpose of a prison.

Sec. 15. Be it further enacted by the authority aforesaid, That ^{Salary of mayor.} said mayor shall receive such compensation, either by salary or in fees, for his services as the mayor and council by special ordinance may see fit to give him.

Sec. 16. Be it further enacted by the authority aforesaid, That ^{Vacancies.} if any vacancy shall occur in said office of mayor or town councilmen by death, resignation, removal, failure to accept the office or otherwise, the mayor and remaining councilmen, or remaining councilmen, shall fill such vacancies by appointing any citizen of said town eligible to such office, and if there be no mayor nor councilmen to fill such vacancies, the justice of the peace of the district in which said town of Clayton is located may at any time order an election for mayor and three councilmen to fill the unexpired term, if any, by giving five days' notice thereof.

Columbus, Charter of Amended.

Repealing
clause.

Sec. 17. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

COLUMBUS, CHARTER OF AMENDED.

No. 282.

An Act to amend an Act "to create a new charter for the city of Columbus, and to consolidate and declare the rights and powers of said corporation, and for other purposes," approved November 29th, 1890, and published in volume 11 of Acts of 1890, from page 489 to page 522, inclusive, so as to confer the power upon the mayor of Columbus to veto any resolution or ordinance passed by the mayor and board of aldermen of Columbus; *provided*, the same may be repassed over the mayor's veto by a vote of three-fourths ($\frac{3}{4}$) of the whole board of aldermen.

Columbus,
charter of
amended.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That section 12 of an Act "to create a new charter for the city of Columbus, and to consolidate and declare the rights and powers of said corporation, and for other purposes," approved November 29th, 1890, and published in volume 11 of Acts 1890-1, from page 489 to 522, inclusive, said section 12 of said Act, appearing on pages 499 and 500 of said volume, be, and the same is, hereby amended, by adding at the end of said section 12 the following words, to wit: "The mayor shall have the power to veto, in writing, any ordinance or resolution passed by the mayor and board of aldermen; *provided*, that in all cases where such veto power shall have been exercised, the mayor and board of aldermen shall have the power and authority to repass any ordinance or resolution that may have been vetoed over such veto by a vote of three-fourths ($\frac{3}{4}$) of the whole board of aldermen at the same meeting at which such ordinance or resolution was passed, or at the next subsequent meeting thereto of the mayor and board of aldermen, to be taken by yea and nay vote; *provided further*, that the veto power shall be exercised at or before the next ensuing regular meeting of the mayor and board of aldermen following the passage of any ordinance or resolution; *provided further*, that any

Mayor, veto
power of.*Proviso.*

ordinance or resolution of the mayor and board of aldermen so vetoed and not approved by the mayor, and which shall not thereafter be passed over such veto as hereinbefore provided for, shall be null and void and of no effect; *provided further*, that such veto power of the mayor shall not apply to elections by the mayor and board of aldermen;" so that said section 12, when so amended, shall read as follows, to wit: Section 12. Be it further enacted by the authority aforesaid, That in all city elections, as provided for in this Act, a separate poll, or polls, for white or colored voters shall be opened at such place of election, and shall be held under the superintendence of managers to be appointed by the mayor and aldermen, at any regular or called meeting, who shall be either citizens who are regular voters, or justices of the peace, and not candidates in the election held. If the managers appointed, or any of them, decline to serve, the mayor shall appoint others to fill the vacancies. The polls shall be open for such a length of time at each polling place as may be directed by the mayor and aldermen; and after the polls shall be closed the said managers of the elections shall meet at the court house, in the city of Columbus, and consolidate the votes and make returns thereof to the mayor and aldermen, and the persons receiving the highest number of votes shall be declared duly elected. The mayor shall be the chief executive officer of the city, and besides the powers and duties imposed by mayor and aldermen, he shall exercise general supervision over the affairs of the city. He shall preside over all meetings of the mayor and board of aldermen, and in case the office of mayor of said city shall become vacant from any cause, the board of aldermen of said city, at either a regular or called meeting, shall order an election for mayor to fill such vacancy, which said election shall be advertised in a public gazette of said city of Columbus not less than five days, and the person elected shall hold his office until the next regular election for mayor and until his successor has been elected and qualified; and in case any vacancy should happen by death, resignation, removal or otherwise of any aldermen for any or either of said wards, the mayor and board of aldermen of said city may order an election to fill such vacancy by advertising the same at least five days previous to holding said election, and the person so elected shall have and exercise jurisdiction in all cases of contested elections for mayor and aldermen, under such rules as they may prescribe, and finally determine all contests which may be made. The mayor shall have the power to veto, in writing, any ordinance or resolution passed by the mayor and board of aldermen; *provided*, that in all cases where such veto power shall have

Charter as amended.

Cornelia, Authorizing Issue of Bonds.

been exercised, the mayor and board of aldermen shall have the power and authority to repass any ordinance or resolution that may have been vetoed over such veto by a vote of three-fourths ($\frac{3}{4}$) of the whole board of aldermen at the same meeting at which such ordinance or resolution was passed, or at the next subsequent meeting thereto of the mayor and board of aldermen, to be taken by a yea and nay vote; *provided further*, that the veto power shall be exercised at or before the next ensuing regular meeting of the mayor and board of aldermen following the passage of any ordinance or resolution; *provided further*, that any ordinance or resolution of the mayor and board of aldermen so vetoed and not approved by the mayor, and which shall not thereafter be passed over such veto as hereinafter provided for, shall be null and void and of no effect; *provided further*, that such veto power of the mayor shall not apply to elections by the mayor and board of aldermen.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

CORNELIA, AUTHORIZING ISSUE OF BONDS.

No. 284.

An Act to authorize the mayor and council of the town of Cornelia to issue bonds for the purpose of erecting a school building and equipping the same in the said town of Cornelia, and to authorize the said mayor and council to provide for the payment of the principal and interest of said bonds by levying a tax therefor, and to provide for an election to ratify the provisions of this Act, and for other purposes.

Election
for bonds.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That the mayor and council of the town of Cornelia shall provide for an election to be held in said town for the adoption of the provisions of this Act; *provided*, the notice of the intention to hold said election has been given as required by section 377 of the Code of Georgia, 1895, volume 1. Said election shall be held and returns thereof made in the same manner as elections are held for the mayor and council of said town, and the qualifications of the voters at said election shall be the same as required by law for the

How held

election of mayor and council of said town. All persons voting at said election shall have written or printed on their ballots the words "For issuing bonds" or the words "Against issuing bonds." And if it shall appear to the mayor and council that two-thirds of the qualified voters residing in said town have voted for issuing bonds, the said mayor and council are hereby authorized to issue bonds, provide for the payment of the same upon the conditions, and for all other purposes hereinafter provided. In case two-thirds of the qualified voters of said town do not vote "For issuing bonds" in any election held under this Act, an election may be held in said town by order of the mayor and council of said town annually until the provisions of this Act are adopted by the vote of two-thirds for issuing bonds.

Sec. 2. Be it further enacted, That in the event the necessary majority of votes shall be cast at said election "For issuing bonds" for the purpose of enabling the mayor and council of said town and their successors in office to erect and complete a school building, and to equip and furnish the same with suitable furniture, apparatus, etc., the mayor and council of said town are authorized to issue bonds upon the conditions aforesaid, not to exceed the amount of "four thousand dollars," to run not exceeding twenty years, bearing interest not exceeding six per cent. per annum, payable annually, said bonds to be issued in sums of one hundred dollars each, and shall be signed by the mayor and countersigned by the treasurer of said town; shall have coupons attached to them for each installment of interest, said coupons to be signed same as the bonds. The principal and interest shall become payable at maturity on presentation to the town treasurer. Said bonds, when so issued shall not be sold for less than par.

Proceeds of
bonds, how
used.

Description
of
bonds.

Sec. 3. Be it further enacted, That for the purpose of providing for the payment of the principal as well as the interest on the bonds so issued and negotiated, when the same may become due and payable, said mayor and council may set apart from the funds raised annually by taxation as hereinbefore; *provided*, a sufficient amount to meet the interest on said school bonds falling due and to provide a sinking fund annually to meet the principal on said bonds as it becomes due and payable.

Payment.

Sec. 4. Be it further enacted, That the mayor and council of said town be, and the same are, hereby authorized and required to levy and collect such tax upon the taxable property in said town as will be necessary to carry out the provisions of this Act.

Culloden, Charter of Amended.

Sec. 5. Be it further enacted, That the title to said school property shall vest in the mayor and council of said town of Cornelia and their successors in office.

Sec. 6. Be it further enacted, That no sum raised under the provisions of this Act, except the sum set apart for the payment of the principal and interest on said bonds, shall be paid out by the town treasurer except upon such claims for supplies or equipments or for material for all work done on the same as have been audited by the mayor and council of said town of Cornelia.

School
buildings.

Sec. 7. Be it further enacted, That the erection of said school building as aforesaid shall be under the direct supervision of the mayor and council of the said town of Cornelia or a board of trustees selected by said mayor and council, said board of trustees to make report to and be amenable to said mayor and council.

Repealing
clause.

Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 16, 1897.

CULLODEN, CHARTER OF AMENDED.

No. 232.

An Act to amend an Act entitled "An Act to incorporate the city of Culloden, in the county of Monroe, define its limits, and for other purposes, and the Acts amendatory thereof," approved October 27th, 1887, so as to allow the mayor and city council of said city to levy and collect tax on all professions, businesses and callings carried on in said city, whether the person or persons engaged therein live within or without the corporate limits of said city.

Culloden,
charter of
amended.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That the mayor and council of the city of Culloden, in the county of Monroe, shall have authority, in addition to the *ad valorem* and specific taxes provided for in an Act entitled "an Act to incorporate the city of Culloden, in the county of Monroe, define its limits, and for other purposes, and the Acts amendatory thereof," approved October 27th, 1887, to make such assessments and levy such taxes on the inhabitants of said city who engage in, or offer, or attempt to engage in, any profession, business, or calling in said city, and on such person, or persons, as live without the

Tax on
business.

Cusseta, Charter of Amended.

limits of said city, but who engage, or attempt to offer to engage in any profession, business, or calling within the limits of said city, as the mayor and council may deem right and expedient for the safety, benefit, convenience and advantage of said city.

Sec. 2. Be it enacted by the authority aforesaid, That if any person or persons shall fail or refuse to pay the tax assessment imposed, according to this Act, the said mayor and council shall have authority to proceed to collect the same in the manner and by the same means designated in the original Act of which this Act is amendatory. Collection of.

Sec. 3. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 15, 1897.

CUSSETA, CHARTER OF AMENDED.

No. 243.

An Act to amend the charter of the town of Cusseta, Chattahoochee county, Georgia, to extend the corporate limits of said town about two and one-half miles in all directions from the court house in said town, for school purposes only, and to provide for the levy and collection of taxes in said extended territory to aid in paying principal and interest on school house bonds to be issued by the mayor and town council of said town of Cusseta, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That the corporate limits of the town of Cusseta, Chattahoochee county, Georgia, be, and is hereby extended about two and one-half miles in all directions from the court house in said town of Cusseta, for school privileges and purposes only, said extended territory being more minutely described as follows: Commencing at the northeast corner of lot of land number 13 in the 6th district of said county, said corner being on the line dividing 5th and 6th land districts in said county, and running west along the north line of the following lots of land, to wit: in said 6th district, Nos. 13, 20, 45, 52, 77, 84, and 116, to the northwest corner of said lot 116, thence south along the west line of the following lots in said 6th district, to wit: Nos. 116, 115, 114 and 113; and along the west Cusseta.
Corporate limits.

Cusseta, Charter of Amended.

line of the following lots of land in the 33d district of said county, to wit: Nos. 8, 113, 114, 115, to the southwest corner of said lot 115, thence east along the south line of the following lots in said 33d district, to wit: Nos. 115, 110, 83, 78, 51, 46, 19 and 14, to the southeast corner of said lot of land 14; said corner being on the line dividing the 33d and 32d land districts in said county; thence north along said line, and on the east line of the following lots of land, to wit: Nos. 14, 15, 16 and 1 in said 33d district; and Nos. 16, 15, 14 and 13 in said 6th district, the same being the place of commencement.

Tax. Sec. 2. Be it further enacted, That for the purpose of paying the principal and interest to become due on bonds to be issued by the mayor and town council of said town of Cusseta, as is provided by law, that said mayor and town council shall levy and collect a tax on all the taxable property in said extended territory in the same way and manner that tax shall be levied and collected from taxable property embraced in limits of said town of Cusseta before the passage of this Act, as is provided in a local bill for the issuing of said bonds.

**For pay-
ment of
bonds.** Sec. 3. Be it further enacted, That all money arising from said taxation, on said extended territory, shall be used in paying principal and interest to become due on bonds before named, and for other purposes.

**School
privileges.** Sec. 4. Be it further enacted, That the same school privileges shall be granted to the children residing in said extended territory that are granted to children residing in said territory within the corporate limits of said town of Cusseta before the passage of this Act.

**Jurisdic-
tion of
mayor and
council.** Sec. 5. Be it further enacted, That the mayor and town council shall have no jurisdiction or authority over said extended territory, except for the purpose before named.

Voters. Sec. 6. Be it further enacted, That the qualified voters residing in said extended territory shall have the right to vote for or against the issuing of said school bonds in an election to be held for determining the same, which said election is provided for in section eleven of said local Act.

**Repealing
clause.** Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

Cusseta, Authorizing Debt of \$2,500 for School Buildings.

CUSSETA, AUTHORIZING DEBT OF \$2,500 FOR SCHOOL BUILDINGS.

No. 144.

An Act authorizing and empowering the town council of the town of Cusseta to create a debt, not to exceed twenty-five hundred (\$2,500) dollars, for the purpose of erecting and furnishing suitable school buildings for said town of Cusseta, and purchase suitable sites on which to erect same; to provide for the payment of same when due and provide for selection of trustees to take charge of said building, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That the mayor and council of the town of Cusseta be authorized and required to issue bonds, not to exceed in the aggregate twenty-five hundred dollars (\$2,500), of the denomination of one hundred dollars (\$100) each, to become due and payable at such time or times within twenty (20) years after the date of the issue thereof as said mayor and council shall determine, and bear 6 per cent. interest per annum, payable annually, not to be sold under par.

Cusseta,
bonds of
for \$2,500.

Sec. 2. Be it further enacted, That said bonds shall be signed by the mayor and a majority of the council of said town, and be sold and negotiated in such manner as said mayor and council may determine for the best interests of said town, and the proceeds turned over to the treasurer of said town, to be paid out as herein-after provided.

How
issued.

Sec. 3. Be it further enacted by the authority aforesaid, That the mayor and council of Cusseta, before paying over to the city treasurer the proceeds of the sale of said bonds as provided in the preceding sections of this Act, shall require such additional bond and security of him as in their judgment shall be necessary.

Proceeds,
how
secured.

Sec. 4. Be it enacted, That for the payment of said bonds and interest coupons the faith and credit of said town of Cusseta shall be pledged, and the mayor and council of said town are hereby authorized and required to provide for taxation for the payment of said obligations as they fall due; that said tax shall be separately assessed, levied and collected for the specific purpose herein designated and shall be used or applied to no other purpose whatever; said tax shall be paid and collected only in lawful money of the United States and the 6 per cent. bonds issued under this Act when matured and in the coupons or interest warrants of said 6 per cent. bonds.

Tax for
payment of.

Cusseta, Authorizing Debt of \$2,500 for School Buildings.

School
house for
colored
children.

Sec. 5. Be it further enacted, That not exceeding two hundred and fifty dollars (\$250) of the proceeds arising from the sale of said 6 per cent. bonds shall be applied to the finishing of the school house for the use of the colored people of said town already built.

Cusseta In-
stitute.

Sec. 6. Be it further enacted, That the remainder of the proceeds arising from the sale of said 6 per cent. bonds after applying the two hundred and fifty dollars (\$250) as provided in section 5 of this Act, shall be used and applied to the purchase of a suitable site on which to erect an academy for what shall be known as Cusseta Institute, and to the construction, building and furnishing of said academy for the use of the white people of said town, that said academy for the Cusseta Institute shall not cost exceeding twenty-five hundred dollars (\$2,500), including the cost of the land on which the same is to be erected (unless same shall be donated) and the cost of the furniture for same, and the same shall be paid for out of the proceeds arising from the sale of said 6 per cent. bonds provided for in this Act.

Board of
trustees.

Sec. 7. Be it further enacted, That J. M. Leightner, Dr. C. N. Howard, W. F. Cook, J. J. Hickey, C. C. Wilkinson, John Stephens, J. C. F. McCook, D. J. Fussell, J. S. Brewer and C. W. F. King are hereby appointed a board of trustees for the Cusseta Institute and also for the academy of the colored people of said town, provided for in section 5 of this Act.

That said board of trustees shall have the selections of the sites on which said academies are to be erected within the corporate limits of said town, and they shall have the power and authority to let the contracts for the erection of same and furnishing same. The contract for the ground on which said Cusseta Institute shall be erected and said colored academy also shall be made by said board of trustees.

Said trustees shall have full authority to superintend the construction and furnishing of said academies, and the money for the ground on which said academies are to be erected, and the cost of their construction, the material for same and the furnishing of same shall be paid out by the treasurer of said town of Cusseta out of the funds arising from the sale of the 6 per cent. bonds provided for in this Act, on warrants drawn by the chairman of said board of trustees by order of said board. That the title to said Cusseta Institute and Cusseta Colored Academy shall be made to the mayor and council of Cusseta and their successors in office, and it is hereby made the duty of said mayor and council to have the buildings herein provided for well insured as soon after construction of

Cusseta, Authorizing Debt of \$2,500 for School Buildings.

same is begun as is practicable, and keep same insured. Said mayor and council shall appropriate from time to time whatever money is necessary to keep said building well insured and in good repair, and said contract for insurance and repairs to said building shall be made by said board of trustees and paid for out of any funds in the hands of the treasurer of said town upon warrants to be drawn by the chairman of said board of trustees on the order of said board.

Said mayor and council are hereby empowered to provide for the expense of insuring and keeping in repair said building, by taxation.

Sec. 8. Be it further enacted, That the terms of office of said board of trustees shall be perpetual and they shall have power to fill all vacancies of said board by appointment or otherwise and said board may prescribe such rules for their own government as they may think proper. Term of office.

Said board of trustees shall take charge of said school buildings when completed, for said mayor and council, and shall be and are hereby entrusted with the organization of said school and prescribe the studies to be taught therein; they shall have the authority to employ teachers for said academies, fix their salaries, fix the tuition to be paid by each pupil, make rules for the government of said schools, and to do and perform all other acts necessary or proper for the purpose of carrying out the objects of this Act. Said board of trustees shall make annual reports of the operations of said schools to the mayor and council of said town. Powers of.

Sec. 9. Be it further enacted, That the said mayor and council are hereby made capable of taking and receiving donations of lands (or money) on which to erect said Cusseta Institute and said colored academy from any person or corporation, said donation to be applied as directed by the donors. Donations.

Sec. 10. Be it further enacted, That before the bonds provided for in section 1 of this Act shall be issued and sold, the question of issuing the same shall be submitted to the qualified voters of said town by the council of Cusseta, as provided by the general law of this State embodied in sections (Code, 1895) 377, 378, 379, 380, 381 as soon after the passage of this Act as practicable. Election for bonds.

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved November 29, 1897.

Demorest, Charter of Amended.

DEMOREST, CHARTER OF AMENDED.

No. 276.

An Act to amend an Act of the General Assembly approved October 6, 1891, incorporating the city of Demorest, in Habersham county, Georgia; to authorize the marshal of said city of Demorest to levy upon and sell real estate for taxes; to authorize the city council to condemn dangerous buildings; to compel property owners to build, keep up and repair sidewalks by and along their property and to enforce the same by levy and sale of the land of the abutting property owner; to authorize the mayor and city council to submit the question of the abolition of the city public schools to a vote, and to abolish the same if a majority of the citizens so vote, and for other purposes.

Demorest,
charter of
amended.

City tax,
how col-
lected.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the charter of the city of Demorest, Habersham county, Georgia, shall be so amended as to authorize the mayor and council to pass and enforce an ordinance looking to the collection of the city taxes, by authorizing the clerk of the council to issue tax *fi. fas.* against the property and persons of all defaulting and delinquent taxpayers, and to authorize them by ordinance to empower the marshal of said city to levy upon and sell any and all property, both real and personal, for its taxes or its owners' taxes, and to authorize said marshal to sell said real estate before the door of the city hall in Demorest, Ga., after he has advertised the same for sale in a paper published in the city of Demorest, if there be one, and if not in the paper in which the sheriff's advertisements in said county are published, once a week for four consecutive weeks prior to said sale, and after having given the property owners the same notice of levy as is required of the sheriff when he makes a levy upon real estate, and to authorize the marshal, as aforesaid, to execute deeds to the purchaser of said real estate at his sales, as aforesaid, and by ordinance to provide for the sale of personal property levied upon for taxes.

Sales for
taxes con-
firmed.

Sec. 2. Be it enacted by the authority aforesaid, That all sales of real estate made by the marshal of the city of Demorest heretofore for taxes are confirmed and declared valid; and all

Demorest, Charter of Amended.

deeds heretofore made by him under said tax sales are declared valid and of full force.

Sec. 3. Be it enacted by the authority aforesaid, That the mayor and council of said city of Demorest shall be vested with the power to protect its citizens from dangerous buildings, walls or houses in said city, or boats upon the lake in said city, by empowering them by ordinances to require the property owners to repair or tear the same down, and upon their failure to do so the said mayor and council may condemn the same and tear it down. ^{Removal of dangerous structures.}

Sec. 4. Be it enacted by the authority aforesaid, That the mayor and council shall have the authority to require property owners to build and construct sidewalks along, by and in front of their property, and provide for the style of same and the class of work, and in the event of the failure of the property owners to construct said sidewalk when notified to do so, then the mayor and council is authorized to build the same and to have the clerk issue a *fi. fa.* against the person and the property for the cost of the same, and the marshal shall have the right to levy upon and sell the property under the same, as under a tax *fi. fa.* ^{Sidewalks.}

Sec. 5. Be it further enacted by the authority aforesaid, That the mayor and council shall have the authority to abolish and discontinue the present system of public schools in said city by first submitting the question to a vote of the citizens of said city in an election held for that purpose. Said election shall be held under and in the same manner as election for mayor and council are held, at such time as the mayor and council shall order said election, by giving notice of said election in three public places in said city thirty days before said election. At said election those in favor of abolishing said schools shall have upon their ballots, "Against city schools," and those opposed to abolishing same shall have "For city schools." If a majority of those voting in said election vote "against city schools" then the mayor and council shall abolish the city schools. In the event of abolishing said city schools the mayor and council shall have authority to lease the school buildings to said incorporated school or college or individual, to be used for school purposes upon a money consideration, or upon the consideration of free tuition for children of said town, upon such terms as said school or college or individual and said mayor and council may agree upon. ^{Public schools.}

Donalsonville, Town of Incorporated.

Repealing
clause.

Sec. 6. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

DONALSONVILLE, TOWN OF INCORPORATED.

No. 194.

An Act to incorporate the town of Donalsonville in the county of Decatur, to grant certain powers and privileges, and to authorize and empower the mayor and council of said town to establish a dispensary for the sale of spirituous vinous or malt liquors, and to provide for regulations for said dispensary, and for other purposes.

Donalson-
ville incor-
porated.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the town of Donalsonville in the county of Decatur be, and the same is, hereby incorporated under the name of the town of Donalsonville; that the municipal government of said town be vested in a mayor and four aldermen, who are hereby constituted a body corporate under the name and style of the town of Donalsonville, and by that name and style shall have perpetual succession, and shall have a common seal and be capable in equity and law to purchase, have, hold, receive and retain to them and their successors, for the use of Donalsonville, any real or personal estate of whatever kind or nature; and shall by the same name be capable to sue or be sued in any court of law and equity in this State; to sell, alien or lease any estate, real or personal, the property of said corporation and to convey the same or any part thereof, in any manner or way whatever; that the corporate limits of the town of Donalsonville shall extend one-half mile in every direction from the Methodist church on the corner of Third street and Woolfork avenue, of said town.

Corporate
limits.

Mayor and
aldermen.

Sec. 2. Be it further enacted by the authority aforesaid, That Thomas Chason be and is hereby appointed mayor of said town and John E. Donalson, W. B. King, S. D. Cherry and R. D. Carr be and are hereby appointed aldermen of said town, to hold their offices until the first election of mayor and aldermen of said town on the first Tuesday of January 1899, and until their successors are elected and qualified. The above named officers shall enter upon the duties of their office immediately after the passage of this Act,

Donalsonville, Town of Incorporated.

and that on the first Tuesday of January, 1899, and annually thereafter elections for one mayor and four aldermen shall be held, and shall hold their office for one year and until their successors are elected and qualified. All persons residing within the corporate limits thirty days preceding an election, and who are duly qualified electors of said State, shall be deemed electors of said town. Said elections shall be held and conducted in the same manner as elections for county officers in this State, and a certificate of the election managers shall be sufficient authority to the persons elected to enter on the discharge of their duties as said mayor and aldermen. Annual elections. Voters.

Sec. 3. Be it further enacted by the authority aforesaid, That said corporation shall have and enjoy all the rights and privileges of such corporations that do not conflict with the Constitution of the United States and the Constitution of this State and the laws made in pursuance thereof; and said corporation by its mayor and councilmen or aldermen shall have sufficient power and authority to enact all ordinances, by-laws, rules and regulations necessary for the good government of said town, and securing the health of the inhabitants thereof. Government of.

Sec. 4. Be it further enacted by the authority aforesaid, That the said mayor and aldermen shall have power and authority to elect such marshals, clerks, treasurers, manager of the dispensary and other subordinate officers as they may deem necessary for carrying into effect the power herein conferred upon them, who shall hold their office for one year, or at the pleasure of said mayor and aldermen; to prescribe the fees and duties of such subordinate officers and require such bonds for the faithful performance of their duty as they may deem necessary and proper. Officers.

Sec. 5. Be it further enacted by the authority aforesaid, That the mayor, or the mayor *pro tem.* in his absence, shall be *ex officio* a justice of the peace, and shall have full power and authority to issue warrants for any offense committed within the corporate limits of said town, and shall have power to compel the attendance of witnesses and to examine them under oath, to admit any offender to bail or commit him or her to jail for violation of the laws of said State, to commit him or her to the guard-house for any violation of the ordinances of said town. Mayor *ex officio* a justice of the peace.

Sec. 6. Be it further enacted by the authority aforesaid, That said mayor and aldermen may have power to levy and collect a tax not exceeding one-tenth of one per centum upon all property, both real and personal, within the corporate limits of said town. They shall have power to collect special taxes on all businesses, trade, Tax, general. Special.

Donalsonville, Town of Incorporated.

Nuisances.
Street tax.

professions, shows and exhibitions in said town. They shall have power to abate all nuisances, and to require all persons within said corporation, subject to road duty under the laws of this State, to work on the streets of said town, or they may prescribe a commutation tax which may be paid in lieu of said work on said streets, and shall have power to imprison any defaulter who fails or refuses to work on said streets when required, in the guard-house in said town, not exceeding three days for each day he refuses to work.

Mayor,
duties of.

Sec. 7. Be it further enacted by the authority aforesaid, That the mayor of said town and in his absence the mayor *pro tem.* (who shall be elected by the aldermen from their number), shall be the chief executive officer of said town. He shall see that all ordinances, by-laws, rules and orders made by said mayor and aldermen are faithfully executed. He shall have control of the police of said town and may appoint special police when he may deem it necessary; and it shall be his duty especially to see that the peace and good order of said town are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in said town. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment of the same, and in default of immediate payment he may imprison the offender in the guard-house of said town not exceeding thirty days.

Vacancies.

Sec. 8. Be it further enacted by the authority aforesaid, That if at any time the office of mayor or aldermen shall become vacant by death, resignation or otherwise, the remaining members of the council may fill such vacancy by appointing any citizen of said town eligible to said office, who shall hold the same until the next annual election.

Dispensary, establishment of

Sec. 9. Be it further enacted by the authority aforesaid, That the mayor and aldermen of the town of Donalsonville shall establish at some central place in said town of Donalsonville a dispensary for the sale of spirituous, vinous and malt liquors. They shall from time to time elect a capable person to be known as the manager of the dispensary, who shall have charge and control of said dispensary, under their supervision. Such manager shall be chosen for such term as the council shall deem best and shall be removable by them at any time for what they may deem sufficient cause. He shall be required to give bond in a sum to be fixed by the council, not to exceed \$1,000.00, conditioned to faithfully account for all moneys that may come into his hands as such manager, and for the faithful performance of his duties required of him

Donalsonville, Town of Incorporated.

by this Act and by the mayor and aldermen in their regulations. He shall receive a salary to be fixed by the mayor and aldermen and his compensation shall not be dependent upon the amount of sales.

Sec. 10. Be it further enacted, That the manager of the dispensary shall purchase and at all times keep, under the supervision of the mayor and aldermen, a stock of spirituous, vinous and malt liquors, tobacco and cigars in such quantities as the mayor and aldermen may direct. All bills incurred for the establishment and maintenance of the dispensary and purchase of the stock, from time to time, shall be paid by the treasurer of the town of Donalsonville, upon the presentation of such bills approved in writing by the mayor and aldermen. Said manager shall sell only for cash and shall turn over all moneys received by him to the treasurer of the town of Donalsonville each day and take his receipt, and the said treasurer shall keep a separate account of the same. Dispensary, control of.

Sec. 11. Be it further enacted, That said mayor and aldermen shall make from time to time rules and regulations for the operation of said dispensary. The quantity to be sold to any person shall be determined by them, but in no event shall wine or liquor be sold in quantities less than one-half pint, and none shall be drunk in the building or on the premises where the dispensary is established. The dispensary shall not be opened before sunrise and shall be closed each day before sunset, and it shall be closed on Sundays, public holidays, election days and such other days as the mayor and aldermen shall direct. The manager shall be bound by all laws of this State regulating the sale of liquor and all regulations of the mayor and aldermen not in conflict with the laws of the State. Same.

Sec. 12. Be it further enacted, That the price at which spirituous, vinous and malt liquors shall be sold shall be fixed by the mayor and aldermen; and the manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any broken packages in said dispensary, and whenever any original package is broken it shall at once be bottled and sealed. Said manager shall make a monthly report to the mayor and aldermen showing amount of sales of the preceding month and stock on hand on the last day of said month. Same.

Sec. 13. Be it further enacted, That the manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary or the premises on which it is situated, and for a failure to comply with this section he shall be removed by the mayor and aldermen; and any person refusing to leave the dispensary or the premises upon which it is situated on notice to do so shall be pun-

Donalsonville, Town of Incorporated.

ished upon conviction in the mayor's court as shall be prescribed by the ordinances of said town.

Ordinances.

Sec. 14. Be it further enacted, That the mayor and aldermen of the town of Donalsonville shall from time to time pass such ordinances as shall be necessary to carry out the purposes of this Act and shall provide special penalties for violation of the provisions of the same.

Appropriations.

Sec. 15. Be it further enacted, That the mayor and aldermen shall appropriate a sufficient amount from the treasury to establish the dispensary as provided for by this Act, which amount shall be repaid into the town treasury by the profits of the dispensary, and thereafter the dispensary shall be supported and maintained out of the profits arising from the sale of the dispensary; *provided*, that said mayor and aldermen shall be authorized and are hereby required to appropriate at any time such sums as may be necessary to keep the dispensary in operation, if for any reason there should be no money on hand derived from the profits of the dispensary, such amounts being always repaid to the town treasury out of the first profits thereafter realized from the dispensary; and said mayor and aldermen are hereby authorized and empowered to make the appropriation hereby provided for out of any money in the town treasury, and if necessary to levy and collect taxes for that purpose.

Receipts from dispensary.

Sec. 16. Be it further enacted, That the money arising from the sales of the dispensary shall be appropriated first to the debts of the dispensary, and whatever profits there may be thereafter shall be used in defraying the expenses of the city government, the opening up, repairing of the streets and sidewalks, and the establishing and maintaining waterworks and the lighting of the town and such other purposes as may be deemed, by the mayor and aldermen, proper for the government and maintenance of the city government and preserving the health of its citizens and supporting its public schools.

Other sales of liquors prohibited.

Sec. 17. Be it further enacted by the authority aforesaid, That it shall be illegal for any person or persons directly or indirectly to sell or barter spirituous, vinous or malt liquors within the corporate limits of said town of Donalsonville, other than is provided for at the dispensary established in said city; and it shall be the especial duty of the mayor and police of said town to arrest and prosecute all persons engaged illegally in the liquor traffic in said town; and the said mayor and aldermen shall have no authority ever to license or permit any person or persons to sell any kind of liquor in said town, other than is provided for in this Act.

Repealing clause.

Sec. 18. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved Decemeber 8, 1897.

Douglas, City of Incorporated.

DOUGLAS, CITY OF INCORPORATED.

No. 141.

An Act to alter and amend an Act to incorporate the town of Douglas, in the county of Coffee, to define the corporate limits of said town, to provide for the election of a mayor and aldermen for the government thereof, and for other purposes, approved December 10th, 1895, by striking out the word "town" wherever it may appear in said charter of said town, and substituting therefor the word "city," so as to change the corporate name thereof from the town of Douglas to the city of Douglas, and to constitute the mayor and aldermen of said city a body corporate under the name of the mayor and aldermen of the city of Douglas; to confer upon said municipality the powers and privileges of a city, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, that the charter of the town of Douglas, above referred to in the caption of this Act, approved December 10th, 1895, be amended by striking out the word "town" wherever it may appear in said charter and substituting therefor the word "city," so as to change the corporate name from the town of Douglas to the city of Douglas, and to constitute the mayor and aldermen of said city a body corporate under the name of the mayor and aldermen of the city of Douglas, and to confer upon said municipality all of the powers and privileges of a city, so that said charter when amended as hereinafter provided, shall read as follows:

Douglas,
city of in-
corporated.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the city of Douglas, in the county of Coffee, be, and the same is, hereby incorporated as a city under the name of the city of Douglas.

Sec. 2. Be it further enacted, That the municipal government of said city of Douglas shall consist of a mayor and five aldermen, who are hereby constituted a body corporate under the name of the mayor and aldermen of the city of Douglas, and by that name and style shall have perpetual succession, and by said name shall be capable to sue and be sued in any court of law and equity in this State, plead and be impleaded, and do all other acts relating to their corporate capacity, and shall be capable in law to purchase, hold,

Mayor and
aldermen.

Douglas, City of Incorporated.

receive, enjoy and possess, to retain to them and their successors, for the sole use and benefit of the city of Douglas in perpetuity or a term of years, any estate, real or personal, and to sell, exchange, or lease the same in any way whatever.

Corporate
limits.

Sec. 3. Be it further enacted, That the corporate limits of said city shall be as follows, to wit: Beginning at the northeast corner of original lot of land number one hundred and ninety-two (192), in the sixth district of Coffee county, following the original line of said lot running due south to the branch south of what is now known as the "negro quarters" of Buck and Downing; then following said branch in a westerly direction to its head; then running a line due west till it intersects with the line forming the western boundary line of said city. The northern boundary of said city shall begin at the northeast corner of said lot No. 192, following the northern line of said lot to its northwest corner, continuing a due west course eight hundred yards from said northwest corner of said lot. The western boundary shall begin at the termination of the northern boundary and run a due south course till it intersects the southern boundary line, as before described. -

Mayor and
aldermen,
election of.

Sec. 4. Be it further enacted, That the corporate powers of said city shall vest in said mayor and aldermen, who shall be elected on the third Saturday in December of each year; but if the time of said election shall have passed before the passage of this Act, then the first election under this Act shall take place within sixty days after the passage thereof. Said mayor and aldermen shall hold their offices for one year, or until their successors are elected and qualified.

Oath of.

Sec. 5. Be it further enacted, That said mayor and aldermen shall, before entering upon the duties of their respective offices, subscribe to the following oath, which may be administered by any person in this State authorized to administer oaths: "I do solemnly swear (or affirm) that I will faithfully discharge all of the duties incumbent upon me as mayor (or alderman) of the city of Douglas, according to the best of my ability, so help me God."

Voters.

Sec. 6. Be it further enacted, That the qualifications of the voters at said election shall be such as are required for electors to the General Assembly, and in addition thereto residence within the corporate limits of said city for six months next preceding the election, and the payment of all legal taxes required of them by said corporation.

Officers.

Sec. 7. Be it further enacted, That said mayor and aldermen shall have power and authority to elect such marshals, clerks and other subordinate officers as may be deemed necessary for carrying

Douglas, City of Incorporated.

on the powers herein granted, and to prescribe the compensation of such subordinate officers, and to require of them such bonds as they may deem necessary.

Sec. 8. Be it further enacted, That said mayor and aldermen shall have power to pass and make all ordinances, by-laws, rules and regulations necessary for the good government, peace, order and health of said city, and all the powers herein granted; *provided*, they are not repugnant to the Constitution and laws of this State or the United States. Ordinances.

Sec. 9. Be it further enacted, That said mayor and aldermen shall have power to levy a tax not to exceed one-half of one per cent. upon all property, real or personal, subject to State tax within the corporate limits of said city. They shall also have power and authority to require of all persons subject to road duty, under the laws of the State, to work on the streets, alleys, and sidewalks of the said city, but they may receive in lieu of said work such commutation fee as said mayor and aldermen shall prescribe, which shall be used only in working the streets, alleys and sidewalks of said city; *provided*, that no person shall be required to work on said streets, alleys and sidewalks for more than fifteen days in one year. Tax, general.
Street tax.

Sec. 10. Be it further enacted, That said mayor and aldermen shall have power to assess and collect such tax as they may deem proper on all shows, exhibitions, and performances, on all billiard, pool or other tables for playing at games, and all establishments of like character in said city for amusement and gain; *provided*, they shall not have power to license the sale of any intoxicating or malt liquors in said city until such persons have fully complied with any local option law which may be in force in the county in which said city is situated. Licenses.

Sec. 11. Be it further enacted, That said mayor and aldermen shall have power to provide for the arrest, trial and punishment of offenders for the violation of any ordinance, by-laws, rule or regulation of said city by fine, imprisonment or on the streets of said city; *provided*, said fine shall not exceed fifty dollars, and such imprisonment or work shall not exceed thirty days. Punitive powers.

Sec. 12. Be it further enacted, That at the first meeting of the mayor and aldermen after their election and qualification, it shall be the duty of said body to elect a mayor *pro tem.*, who shall perform all the duties of the mayor when, from any cause, he cannot be present to execute the duties of his office. Mayor
pro tem.

Sec. 13. Be it further enacted, That in the event that the office Vacancies.

Douglas, City of Incorporated.

of mayor or alderman, or any subordinate officer of said city, shall become vacant, the said vacancy shall be filled by the said mayor and aldermen.

Streets
and alleys.

Sec. 14. Be it further enacted, That said mayor and aldermen shall have power to lay out, open and abolish streets and alleys of said city, extend and change the same as the public may require, by paying the owners just compensation for the property taken for any such purposes; and in the event that the owners of property so taken and the mayor and aldermen cannot agree on the value of the property, then the mayor shall choose one disinterested person and the owner a second; these two, when so elected, shall choose a third person, which shall constitute a board of arbitrators, who shall decide the question of value, the decision of which board shall be final.

Collection
of taxes
and fines.

Sec. 15. Be it further enacted, That said mayor and aldermen shall have power to provide by ordinance for the collection of all taxes, moneys and fines due to said city by executions to be issued and signed by the mayor of said city, or the mayor *pro tem.*, and the levy of the same by the marshal of said city, upon any real or personal property of the defendant to be found in the county, and said marshal's levies and sales shall be had under the same laws as govern constables' sales in this State, except that all personal property levied on may be sold in said town.

May com-
mit to jail.

Sec. 16. Be it further enacted, That if upon the arrest of any person upon a charge of violating any of the ordinances or by-laws of said city it shall appear from the testimony adduced upon the trial of said person that there is probable cause for his detention to answer to the charge of having violated any of the criminal laws of this State, said officer trying said cause shall issue his warrant committing said accused to the common jail of the county to answer to the charge preferred by any court of competent jurisdiction in said county; *provided*, that if said case is one that is bailable by justices of the peace, bail shall be approved by said committing officer.

Repealing
clause.

Sec. 17. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved November 29, 1897.

Douglasville, Extension of Corporate Limits.—East Rome, Extension of Corporate Limits.

DOUGLASVILLE, EXTENSION OF CORPORATE LIMITS.

No. 143.

An Act to extend the corporate limits of the town of Douglasville, Ga., and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the corporate limits of the town of Douglasville, Ga., be extended westward so as to embrace the following described territory, to wit: Commencing at a point where the west line of the town crosses the right of way of the Southern Railway on the north side of the right of way, thence along north side of right of way 1376 feet, thence due north 1196 feet, thence due east 776 feet to west line of present corporate limits and 980 feet north of the starting point. Also to extend the southern limits of said town southward so as to embrace the following described territory, to wit: Commencing on the south line of said town at a point 210 feet east of the Chapel Hill road, thence south and parallel with Chapel Hill road 735 feet, thence west and parallel with the present corporate limits 420 feet, thence north and parallel with the Chapel Hill road 735 feet to present corporate limits, at a point 210 feet west of Chapel Hill road.

Douglasville, corporate limits.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved November 29, 1897.

EAST ROME, EXTENSION OF CORPORATE LIMITS.

No. 163.

An Act to extend the corporate limits of the town of East Rome so as to embrace within the corporate limits of said town that triangular piece of land bounded on the northwest by the Etowah river, on the southeast by the property of Mrs. Annie E. Johnson, and on the southwest by the present corporate limits of said town, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of

Ellijay, Authorizing Debt of \$5,000.

East
Rome, ex-
tension of
corporate
limits.

the same, That the corporate limits of the town of East Rome, in the county of Floyd, be extended so as to embrace within the corporate limits of said town all that triangular piece of land bounded on the northwest by the Etowah river, on the southeast by the property of Mrs. Annie E. Johnson, and on the southwest by the present corporate limits of said town.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

ELLIJAY, AUTHORIZING DEBT OF \$5,000.00.

No. 148.

An Act authorizing and empowering the mayor and council of the town of Ellijay to create a debt not to exceed five thousand (\$5,000.00) dollars, for the purpose of erecting and furnishing a suitable school building for said town of Ellijay, and to purchase a suitable site on which to erect the same; to provide for the payment of the same when due, and provide for the selection of trustees to take charge of said building, and for other purposes.

Ellijay,
bonds of
for \$5,000.

Section 1. Be it enacted by the General Assembly of Georgia, That the mayor and council of the town of Ellijay be authorized and required to issue bonds, not to exceed in the aggregate five thousand dollars, of the denomination of one hundred dollars each, to become due and payable at such time or times within twenty years after the date of the issue thereof as said mayor and council shall determine, and bear not exceeding six per cent. interest per annum, payable annually, not to be sold under par.

How
issued.

Sec. 2. Be it further enacted, That said bonds shall be signed by the mayor and a majority of the council of said town, and be sold and negotiated in such manner as said mayor and council may determine for the best interest of said town, and the proceeds turned over to the treasurer of said town, to be paid out as hereinafter provided.

Proceeds
of, how
secured.

Sec. 3. Be it further enacted by the authority aforesaid, That the mayor and council of Ellijay, before paying over to the town treasurer the proceeds of the sale of said bonds, as provided in the preceding section of this Act, shall require such bond and security of him as in their judgment shall be necessary.

Ellijay, Authorizing Debt of \$5,000.

Sec. 4. Be it further enacted by the authority aforesaid, That ^{Tax for payment of.} for the payment of said bonds and interest coupons the faith and credit of said town of Ellijay shall be pledged, and the mayor and council of said town are hereby authorized and required to provide by taxation for the payment of said obligations as they fall due; that said tax shall be separately assessed, levied and collected for the specific purpose herein designated, and shall be used or applied to no other purpose whatever. Said tax shall be paid and collected only in lawful money of the United States, and in the bonds issued under this Act when matured, and in the coupons or interest warrants of said bonds.

Sec. 5. Be it further enacted by the authority aforesaid, That ^{Ellijay Institute.} a suitable site (if not donated) for the erection of an academy shall be purchased at a cost not exceeding five hundred dollars, and the academy erected thereon shall be known as the Ellijay Institute. That said academy for the Ellijay Institution shall not cost exceeding five thousand dollars, including the cost of the land on which the same is to be erected, and the cost of the furniture for the same; that the title to the same shall be made to the mayor and council of the town of Ellijay, and their successors in office, and the same shall be paid for out of the proceeds arising from the sale of the said bonds provided for in this Act, and said mayor and council are hereby authorized and required to have the building herein provided for well insured, so soon after the construction of the same is begun as is practicable, and keep the same insured, and said mayor and council are hereby authorized and required to raise, by taxation, and appropriate from time to time whatever money may be necessary to keep said building and furniture well insured and in good repair.

Sec. 6. Be it further enacted by the authority aforesaid, That ^{Board of trustees.} so soon as said mayor and council shall be authorized to issue the bonds provided for in this Act, they shall order an election in said town of Ellijay for a board of trustees of the Ellijay Institute to consist of seven members, who shall be residents of said town, to take place not less than ten days after publication of said order in one or more newspapers published in said town. That said election shall be held and conducted in the same manner and under the same regulations that govern and control the election of a mayor and council in said town. That said board of trustees shall hold office for the term of two years or until their successors are elected, and after said first election the said board of trustees shall be elected biennially, beginning with the second Monday in September, 1899, or on such other day as by law may be fixed for the

 Ellijay, Authorizing Debt of \$5,000.

election of a mayor and council for said town. Said board of trustees shall have power to fill vacancies in their body till the next regular election, by appointment.

Organiza-
tion of.

Powers of.

Sec. 7. Be it further enacted by the authority aforesaid, That said board of trustees shall organize by electing from their number a chairman and a secretary. They may prescribe such rules for their own government as they may deem proper; that said board of trustees shall have full power and authority to select and purchase a suitable site within the corporate limits of said town on which said academy is to be erected, to let the contract for the erection of the same and the furnishing of the same, and shall have full power and authority to superintend the construction and furnishing of the same, and to enforce in the name of said board of trustees, in any of the courts of this State having jurisdiction, any obligation or contract entered into with them. That the purchase money for the site on which said academy is to be, or has been, erected, together with the cost of construction, the material for the same, and the furnishing of the same, shall be paid out by the treasurer of said town of Ellijay out of the funds arising from the sale of the bonds provided for in this Act, on warrants drawn by the chairman of said board of trustees, by order of said board, and countersigned by said secretary; that all contracts for insurance and repairs on said building, or its furniture, shall be made by said board of trustees, and paid for out of any funds in the hands of the treasurer of said town, upon warrants to be drawn by the chairman of the board of trustees in the manner aforesaid.

Super-
vision and
control
of school.

Sec. 8. Be it further enacted by the authority aforesaid, That said board of trustees shall take charge of said school building when completed and accepted by them, and shall be and are hereby entrusted with the organization of the school or schools to be taught therein; they shall have authority to employ teachers for said academy, fix their salaries or otherwise regulate their compensation, fix the tuition to be paid by each pupil, make rules for the government of said school, make annual reports of the operations of said school to the mayor and council of said town, and do and perform all other acts and things necessary or proper for the purpose of carrying out the objects of this Act. The said board of trustees shall make, or cause to be made, annually, or as often as may be necessary, a full and complete list of all pupils in attendance upon said Ellijay Institute, within the public school age, who reside in the county of Gilmer in said State, which list they shall present to the county school commissioner of said county, who is hereby authorized and required to pay over to said

Fairburn, New Charter for.

board of trustees the proportionate part of the public school fund of Gilmer county, to be determined according to the number of pupils taught in said school within the public school age and who reside in said county, to be used by said board of trustees in paying teachers for said school.

Sec. 9. Be it further enacted by the authority aforesaid, That before the bonds provided for in section first of this Act shall be issued and sold, the question of issuing the same shall be submitted to the qualified voters of said town by the mayor and council thereof, as provided by the general law of this State embodied in sections (Code 1895, vol. 1) 377, 378, 379, 380 and 381, as soon after the passage of this Act as practicable. ^{Election for bonds.}

Sec. 10. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. ^{Repealing clause.}

Approved November 29, 1897.

FAIRBURN, NEW CHARTER FOR.

No. 297.

An Act to repeal an Act entitled "An Act to incorporate the town of Fairburn, adopted February the 17th, 1854, and to repeal all Acts amendatory of said Act so as to repeal the charter of the town of Fairburn and to enact in lieu thereof a new charter for said town.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid, That the Act entitled "an Act to incorporate the town of Fairburn, adopted February the 17th, 1854, and all Acts amendatory thereof, be, and the same are, hereby repealed, so that the charter of the town of Fairburn in the county of Campbell be, and the same is hereby repealed, and the following charter enacted in lieu thereof.

Sec. 2. Be it further enacted by the authority aforesaid, That the municipal government of the town of Fairburn in county of Campbell shall consist of a mayor and six aldermen, who are hereby constituted a body corporate under the name and style of the Town of Fairburn, and by that name and style shall have perpetual succession, shall have a common seal, and be capable in law ^{Fairburn, charter of.}

and equity of having, purchasing, holding, receiving, enjoying, possessing and retaining to them and their successors in office, for the use of the town of Fairburn, any estate or estates, real or personal, any and all kinds of property, whether real or personal, of whatever kind or nature, within or without the jurisdictional limits of said town, for corporate purposes; and shall by said name be capable of suing and being sued in any court of law or equity in this State, and shall succeed to all rights and liabilities of the corporation of the town of Fairburn.

Corporate
limits.

Sec. 3. Be it further enacted by the authority aforesaid, That the corporate limits of said town of Fairburn shall extend one-half of a mile in every direction from the present Atlanta and West Point freight depot situated in said town of Fairburn, and shall also extend so as to include the present cemetery, situated in the western part of the town of Fairburn, said cemetery to include all the land recently purchased by the mayor and council of the town of Fairburn from the Atlanta and West Point Railroad Company, a full description of which is given in the deed from said company to said town.

Mayor and
aldermen,
election of.

Sec. 4. Be it further enacted by the authority aforesaid, That an election shall be held in the town of Fairburn on the first Saturday in January, 1898, and on the first Saturday in every year thereafter, for the election of a mayor and six aldermen for said town of Fairburn: each of said officers shall serve for one year and until their successors are elected and qualified. At the first meeting of the mayor and aldermen of the town of Fairburn, or so soon thereafter as practicable, one of said aldermen shall be chosen as mayor *pro tem*.

Vacancies.

Sec. 5. Be it further enacted by the authority aforesaid, That in case of vacancy in any of the offices mentioned in the preceding section, by death, resignation, failure to elect, removal from office, removal from the town, or otherwise, a special election shall be ordered by the mayor and aldermen within thirty days, giving ten days' notice by publication, to fill such vacancy.

Elections,
how held.

Sec. 6. Be it further enacted by the authority aforesaid, That all elections held under the provisions of this charter shall be superintended and managed by a justice of the peace, or some other judicial officer, and two freeholders or three freeholders, all of whom shall be citizens of said town; and each of said managers, before entering on his duties, shall take, before some justice of the peace, or some other officer duly qualified to administer an oath, the following oath, to wit: "I do solemnly swear that I will faithfully

Fairburn, New Charter for.

and impartially conduct this day's election held for mayor and aldermen for the town of Fairburn, and that I will not knowingly prevent any person from voting who is qualified to vote in this election, nor will I knowingly allow any person to vote who is disqualified." And said managers shall cause to be kept two lists of voters and two tally-sheets of said election; and the polls at every such election shall be opened at nine o'clock a. m. and close at four o'clock p. m.

Sec. 7. Be it further enacted by the authority aforesaid, That after the votes at any election shall have been counted by the managers they shall certify two lists of voters and two tally-sheets, and shall place said list of voters and said tally-sheets with the ballots, in the ballot-box, and shall seal said ballot-box and deposit the same with the ordinary of said county. The managers shall also certify to the person receiving the highest number of votes in said election for mayor, and to the six persons receiving the highest number of votes for aldermen, that they were duly elected to such offices, which certificates shall authorize the persons hereinafter mentioned to administer the oath of office to said mayor and aldermen. Results,
how de-
clared.

Sec. 8. Be it further enacted by the authority aforesaid, That as soon as the mayor and board of aldermen of said town of Fairburn shall have been elected, or as soon thereafter as practicable, the persons elected shall meet and take and subscribe the following oath before any justice of the peace of this State, any ordinary, clerk of the superior court, notary public, or the former mayor of the town and shall forthwith enter upon the duties of their offices, to wit: "I (A. B.) do solemnly swear that I will well and truly perform the duties of mayor (or alderman, as the case may be,) of the town of Fairburn to the best of my skill and ability, without favor or affection, so help me God." Mayor and
aldermen,
oath of.

Sec. 9. Be it further enacted by the authority aforesaid, That no person shall be eligible to the position of mayor or alderman unless he is over the age of twenty-one years, a citizen of the United States and of Georgia, and shall have resided in the town of Fairburn at least one year before his election. Qualifica-
tions.

Sec. 10. Be it further enacted by the authority aforesaid, That the mayor shall be the chief executive officer of the town of Fairburn. He shall see that all laws, ordinances, resolutions and rules of the town are faithfully executed and enforced, and that all officers of the town shall faithfully discharge the duties required of Mayor,
powers of.

Fairburn, New Charter for.

Veto. them. He shall have general jurisdiction of the officers of the town. He shall preside at all meetings of the mayor and board of aldermen of the town of Fairburn, and shall have the right to vote in all elections and on all questions coming before said board whenever there is a tie in such election or question, but shall not have the right to vote on any question unless there is a tie on such question; and the said mayor shall have the right to *veto* any law or ordinance, resolution or other act done by said board of aldermen; but his veto may be overruled whenever four members of said board vote to overrule the same; *provided*, that whenever the mayor is absent from any meeting the mayor *pro tem.*, or some alderman, may preside.

Recorder's court. Sec. 11. Be it further enacted by the authority aforesaid, That there shall be a recorder's court for the trial of offenses and offenders against the laws and ordinances of the town, which court shall be held by the recorder, and in his absence, or disqualification, by some person designated by the mayor. Said court shall have the power to preserve order, to compel the attendance of witnesses, to punish for contempt by imprisonment not exceeding two days, or by fine not exceeding ten (\$10.00) dollars, or both; and said recorder shall also have the power, on the conviction of any person of the violation of any of the ordinances or laws of the town of Fairburn, to sentence such persons to labor upon the streets or public works of said town, not to exceed sixty days, or to impose a fine not to exceed one hundred (\$100.00) dollars; either or all of said sentences, in his discretion.

Recorder may commit. Sec. 12. Be it further enacted by the authority aforesaid, That the recorder shall have authority and power to issue warrants against any person violating any of the laws of this State within the corporate limits of the town of Fairburn, and shall have full power and authority to commit the offenders to jail, or to bail them (if the offense is bailable) to appear before the court having jurisdiction, and if, while trying any person charged with the violation of any ordinance or law of the town of Fairburn, it shall be made to appear that such person has violated the criminal laws of this State, said recorder shall have the power to commit such person to jail, or to bail him, if the offense is bailable, to appear before the court having jurisdiction.

Officers. Sec. 13. Be it further enacted by the authority aforesaid, That the mayor and aldermen of the town of Fairburn shall have the right to elect the clerk of said board, and also a treasurer for the town of Fairburn, and also a marshal or marshals for said town,

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and to fix the compensation for the same; to require bond and security for the faithful discharge of their duties; *provided*, that the compensation of the clerk shall in no case exceed the sum of sixty (\$60.00) dollars per annum, nor shall the compensation of the treasurer exceed the sum of forty (\$40.00) dollars per annum, and the compensation of the marshal shall in no case exceed the sum of three hundred (\$300.00) dollars per annum, unless it becomes necessary to have more than one marshal, and in that event the compensation for all the marshals of the town shall not in the aggregate exceed six hundred (\$600.00) dollars per annum.

Sec. 14. Be it further enacted by the authority aforesaid, That for the purpose of raising revenue for the support and maintenance of the town of Fairburn the mayor and aldermen of said town are hereby authorized to prescribe, by ordinance, for the assessment, levy and collection of an *ad valorem* tax on all real and personal property within the corporate limits of said town, to defray the ordinary annual expenses of said town, said tax not to exceed one-half of one per cent. Tax on property.

Sec. 15. Be it further enacted by the authority aforesaid, That the mayor and aldermen of the town of Fairburn, for the purpose of raising a sufficient sum to pay the principal and interest on the balance of forty-five hundred (\$4,500.00) dollars on the bonds issued by the said town of Fairburn for building an academy in said town, shall have the right to levy, in addition to the tax mentioned in the preceding section, a sufficient sum to pay the principal and interest of said bonds annually as the same fall due, and the act approved October the 3d, 1889, authorizing the mayor and council of the town of Fairburn to levy a tax in addition to the tax then allowed by law to pay said school bonds, is hereby re-enacted and made part of this charter, and the issuing of said bonds is hereby declared to be legal, valid and binding, and the town of Fairburn, as incorporated under this Act, is hereby empowered to carry out and complete the payment of said bonds and to hold said school building as provided in said Act. Tax for paym't of bonds.

Sec. 16. Be it further enacted by the authority aforesaid, That the mayor and board of aldermen of the town of Fairburn shall have power and authority to license, regulate and control all taverns, restaurants, livery-stables, hacks, drays and other vehicles, auctioneers, venders, masters, itinerant traders, theatrical performances, circuses and exhibitions of all kinds; itinerant lightning-rod peddlers, immigrant agents, clock peddlers, peddlers of all kinds, itinerant dealers in jewelry, and all other traveling or itinerant Business licenses.

Fairburn, New Charter for.

venders of articles, goods, wares and merchandise of every nature whatsoever; every keeper of billiard, pool, or bagatelle tables for public use; every keeper of shooting gallery, ten pin alley, and upon the keeper of any other table, stand or place: all game or games, whether played with stils, or balls, rings or other contrivances; upon the keeper of flying-horses, bicycles or velocipedes, or skating-rinks; keepers of slaughter-houses, beef-markets, green-groceries; dealers in fish, or oysters, vegetables, fruits, bread, or other articles of food; and all other establishments, business, or calling, or avocation; and to impose such license and special tax on any and all of said trades, professions, games, shows, agents, peddlers, or avocations, as, in their discretion, they may see proper: except such professions, trades and avocations as are specially exempt from taxation, by municipal authorities, under the general law of this State.

Special
taxes.

Sec. 17. Be it further enacted by the authority aforesaid, That said mayor and board of aldermen of the town of Fairburn shall have the power to compel all persons who are subject to road duty under the general laws of this State, to work on the public streets of the town of Fairburn, not exceeding fifteen days, or to pay in lieu thereof a commutation tax not exceeding ten (\$10.00) dollars; and shall have power to summon such persons to perform such work, under such rules and regulations as they may adopt; and on failure of any person to appear and work, as required by the ordinances, to impose such fines as may be reasonable and just, for contempt, or may, for such contempt, imprison such persons, or work them on the streets of the town of Fairburn, not exceeding sixty days; or impose a fine, not exceeding one hundred (\$100.00) dollars, or either, at the discretion of the said mayor and aldermen.

Street tax.

Tax
assessors.

Sec. 18. Be it further enacted by the authority aforesaid, That the said mayor and board of aldermen of the town of Fairburn shall have power and authority to appoint three freeholders, residents of said town, as a board of assessors of tax returns, whose duty it shall be to scrutinize carefully each return of property, real and personal, made by every taxpayer of said town, and if, in their judgment, they shall find the property embraced in said return, or any portion thereof, returned below its value, they shall assess its true value; and said board of tax-assessors may, also, assess the value of all property in said town not returned for taxation.

Streets.

Sec. 19. Be it further enacted by the authority aforesaid, That the mayor and board of aldermen of the town of Fairburn shall have full and complete control of the streets, alleys, sidewalks,

Fairburn, New Charter for.

parks and squares in said town, and shall have power and authority to open, lay out, widen, straighten, or otherwise change all streets, sidewalks, alleys, parks and squares of said town of Fairburn; and also, the right to condemn private property for the public uses aforesaid, and to prescribe such rules and regulations for the assessment of damages as they may see proper, which are not in conflict with the laws of this State.

Sec. 20. Be it further enacted by the authority aforesaid, That Fire limits. said mayor and board of aldermen of the town of Fairburn shall have power to fix and establish fire limits in said town; and from time to time to enlarge, restrict, or change the same; and shall have the power and authority to regulate and fix the kind of houses, or the material for houses, to be erected within said limits; and to prevent any one from building or erecting any house, within said limits, out of material other than that prescribed by said mayor and board of aldermen, and said board of aldermen shall, also, have the power within said limits to condemn such houses as are constructed with such material and in such manner as to render it dangerous to the town for them to remain within such limits; and in case of an offense against any ordinance passed in pursuance of this Act, said mayor, or board of aldermen of the town of Fairburn, after five days' notice is given, shall cause any house or building to be removed, at the expense of the owner building the same; *provided*, such house, or building, is built of material other than that prescribed by the ordinances of said town; and said mayor and board of aldermen will have the right to determine what are and what are not safe buildings within said limits; *provided*, that said mayor and aldermen shall have no authority to destroy any house within said limits which has already been erected, for the reason that it is not built of the proper material, without first paying just compensation to the owner thereof; but this shall not prevent the mayor and aldermen from condemning property which, from the manner of its erection, or the use to which it is put, or the material of which it is built, has become dangerous to the life or health of the citizens of said town.

Sec. 21. Be it further enacted by the authority aforesaid, That Nuisances. the mayor and board of aldermen of the town of Fairburn have power to remove any forge, or smithshop, where, in its operations, it may be necessary to insure safety against fire; it shall have power to remove stovepipes, or other things which shall endanger the town as to fire; and shall also have power and authority to abate all nuisances within the corporate limits of said town; and in

case any nuisances are erected in said town they may abate the same at the expense of the owner or person erecting said nuisance, and shall have power to issue instant execution against such person erecting the same.

Markets. Sec. 22. Be it enacted by the authority aforesaid, That said mayor and aldermen of the town of Fairburn shall have the power to establish and regulate markets; to prescribe the time of holding the same; to prevent injury or annoyance to the public, or individuals, of anything dangerous, offensive, or unwholesome; to prevent hogs, cattle, horses and sheep, dogs and other animals and Churches. fowls of every kind going at large in said town; to protect places of divine worship in and about the premises where held; to abate, or cause to be abated, anything that shall become a nuisance; to Cemetery. provide in and near said town, places for the burial of the dead, and to regulate interments therein; to provide for the proper drainage of lots by proper drains and ditches; to provide for the paving Street im- and macadamizing of the streets and sidewalks of said town; and to assess a tax upon adjoining property-holders for the payment of such macadamizing and pavements, under such rules and regulations as they may prescribe; to protect the property and persons of the citizens of said town; preserve peace and good order therein, Police. and, for this purpose, to appoint, when necessary, a police force to assist the marshal in the discharge of his duties; to prescribe the duties and powers of the officers appointed by the mayor and board of aldermen of the town of Fairburn; to fix their term of service and compensation; require and take from them bonds, when deemed necessary, payable to the mayor and board of aldermen of the town of Fairburn, or their successors in office, with such sureties and in such penalties as said mayor and board of aldermen may see fit, for the faithful discharge of their duties; and provide a revenue for said town, and to appropriate the same to the expenses; to organize a chaingang, or workgang, to work upon the streets Chain- of said town; and for sanitary purposes.

Collection of taxes. Sec. 23. Be it further enacted by the authority aforesaid, That the mayor and board of aldermen of the town of Fairburn shall have power and authority to enforce by execution the collection of any amount due, or to become due, to it for taxes, license fees and tax assessments of every kind; for fines and forfeitures; for any other debt or demand due the town; such execution to be issued by the clerk to be issued in the name of the mayor of the town of Fairburn, against the person, or corporation, or firm, owing said sum, and which execution may be levied by the marshal on the

Fairburn, New Charter for.

property of the owner against whom such execution shall issue; and all property levied on by virtue of any execution shall be sold before the courthouse door of the town of Fairburn, by the marshal of said town, after advertising the same as now required by law for sheriffs' sales; *provided*, that all sales of personal property levied on by the marshal shall take place at the courthouse door of said town, after advertising the same for ten days at three or more places in the town of Fairburn; and all such sales shall take place on the first Tuesday in each month, within the present legal hours of sale.

Sec. 24. Be it further enacted by the authority aforesaid, That the management, custody, control and possession of the school property heretofore purchased by the town of Fairburn, and known as "Fairburn Institute" shall vest in a board of trustees, to be known as the board of trustees of Fairburn Institute, said board to consist of seven citizens of said town; and no person shall be a member of said board who is not a resident of said town; and the qualifications of said members shall be further regulated by such rules and regulations of the mayor and aldermen of the town of Fairburn as they may deem proper. Said board of trustees shall have the right to hire teachers, fix the compensation for the same, and shall have the general government and supervision of said school property, and the following persons shall constitute the present board of trustees of said Fairburn Institute, to wit: L. S. Roan, C. B. Vickers, J. T. Stephens, W. A. McCurry, E. S. Strickland, K. A. Nesbitt and L. M. Westbrook, and said persons shall hold their term of office until their successors are elected; and their successors shall be elected on the first Saturday in January, 1898. A president and two members of said board shall be elected on the first Saturday in January, 1898, whose term of office shall expire within one year from January the 10th, 1898; and two members of said board shall be elected on the first Saturday in January, 1898, whose term of office shall expire on the 10th day of January, 1899, and two members of said board shall be elected on the first Saturday in January, 1898, whose term of office shall expire on the 10th day of January, 1900; and the said mayor and aldermen of the town of Fairburn shall provide for the election of a president and two members of said board on the first Saturday of January of each year, which president shall hold his office only for one year, and which members shall hold their office for a term not less than one nor more than three years, so that on the first of January of every

Fairburn
Institute.Board of
trustees.

Teachers.

year a president and two members of said board shall be elected; and the election shall take place under such rules and regulations as the mayor and aldermen of the town of Fairburn shall provide: and whenever a vacancy shall occur on said board which is caused by death, resignation, removal from the town, or other cause, except by expiration of term of office, said vacancy shall be filled by the election by the board of trustees for a member to fill unexpired term. The mayor and aldermen of the town shall have the power to appropriate such sum as may be necessary to keep the school-building in repair and to protect the property by insurance, and otherwise protect the property.

State
school
fund.

Sec. 25. Be it further enacted by the authority aforesaid, That the said board of trustees of said Fairburn Institute shall make or cause to be made, a full and complete list of all pupils in attendance upon said school, between the ages of six and eighteen years, who reside in the town of Fairburn; and, also, a complete list of non-resident children of said town, between said ages, attending said school on or before the 31st day of December, 1898, and annually thereafter; and the county school commissioner shall pay directly to said president of said board and said trustees the *pro rata* part of the State school fund due to said school and due to non-resident children attending said school, as now required by law.

Rules and
regula-
tions.

Sec. 26. Be it further enacted by the authority aforesaid, That the said board of trustees shall have the power to prescribe the course of study in said school; to grade the same and to grant diplomas, under such rules and regulations as they may prescribe.

Certiorari
from re-
corder's
court.

Sec. 27. Be it further enacted by the authority aforesaid, That no person who may be convicted before the recorder's court shall have the right to appeal to the board of aldermen, but such person, by giving notice of intention to *certiorari*, may suspend the judgment and may be released from custody upon giving bond with security in such sum as may be fixed by the recorder, for his appearance; *and provided*, that all *certiorari* proceedings from the said court shall be sued out within thirty days from the date of the judgment; *and provided*, that no *certiorari* shall issue until all costs have been paid, or an affidavit made by the defendant, showing his inability to pay cost.

Police reg-
ulations.

Sec. 28. Be it further enacted by the authority aforesaid, That the mayor and board of aldermen of the town of Fairburn shall have power and authority to establish police rules and regulations, to pass all laws and ordinances, not in conflict with the Constitu-

Fairburn, New Charter for.

tion and laws of the State of Georgia, which tend to promote the safety, health, good order, morality and general welfare of the inhabitants of said town.

Sec. 29. Be it further enacted by the authority aforesaid, That the mayor of the town of Fairburn shall be paid such compensation for his services as may be fixed by the ordinance of said town, which sum shall not exceed twenty-five (\$25.00) dollars per annum; but no compensation shall be allowed to any member of the board of aldermen of said town; *provided*, nothing in this Act shall prevent a member of said board from holding the office of clerk or treasurer and receiving compensation as such clerk or treasurer, as the case may be. Mayor's salary.

Sec. 30. Be it further enacted by the authority aforesaid, That the mayor and aldermen, so soon as elected and qualified on each year, shall have the power and authority to elect some person, a resident of said town, who is qualified to be mayor or alderman thereof, as recorder of said town, whose duty shall be to try all offenders and offenses against the laws or ordinances of said town, and whose term of office shall be for one year, or until his successor is elected and qualified; and in case the recorder is disqualified from interest, relationship, or otherwise, in any case, then said mayor and aldermen shall designate some other person to act in said case. The compensation for such recorder shall not exceed forty (\$40) dollars per annum. Recorder, election of.

Sec. 31. Be it further enacted by the authority aforesaid, That the sale of malt or spirituous liquors be, and the same are, hereby forever prohibited within the corporate limits of the town of Fairburn, and the corporate authorities shall have the right to inflict punishment on all persons keeping such liquors within the corporate limits of said town for the purpose of illegal sale. Sale of liquor prohibited.

Sec. 32. Be it further enacted by the authority aforesaid, That the present mayor and councilmen of the town of Fairburn shall have all the power and authority of mayor and aldermen of the town of Fairburn until the election of mayor and aldermen in January, 1898.

Sec. 33. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and they are, hereby repealed. Repealing clause.

Approved December 18, 1897.

Fairmount, Town of Incorporated.

FAIRMOUNT, TOWN OF INCORPORATED.

No. 219.

An Act to incorporate the town of Fairmount, in Gordon county, and to prohibit the sale of all intoxicating liquors therein, and for other purposes.

Fairmount
incorporated.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, A. J. Reynolds, W. B. Vaughan, J. A. Dorrah, W. H. C. Lloyd and J. V. R. Taylor be, and they are, hereby made a body corporate and politic, under the name and style of "The Town Council of Fairmount," to hold their offices until the first Tuesday in January, 1899, and until their successors are elected and qualified.

Council-
men, elec-
tion of.

Sec. 2. Be it further enacted by the authority aforesaid, That on the first Tuesday in January, 1899, and on the first Tuesday in January in each subsequent year, an election shall be held at such place, in said town of Fairmount, as may be designated by the council, for five councilmen to serve for one year subsequent to their election, and until their successors are elected and qualified, at which elections no person shall be entitled to vote except persons resident within the corporate limits of said town, and who are entitled to vote for members of the General Assembly, and have paid all taxes required of them by the laws of said town.

Corporate
limits.

Sec. 3. Be it further enacted by the authority aforesaid, That the corporate limits of said town shall extend one-half mile in every direction from Dorrah's store.

Officers.

Sec. 4. Be it further enacted by the authority aforesaid, That the town council shall have power to elect one of their number president of the council, who shall preside at their meetings when present, but in his absence any one of the town council may be selected to preside, and they shall have power to select a marshal, a secretary and treasurer of said town council, as they may deem proper, and require such bonds as they may think necessary, and to fix the salaries of said officers.

Powers of
council.

Sec. 5. Be it further enacted by the authority aforesaid, That said town council shall have authority and power to do all acts which they shall deem necessary for the welfare of said town, to levy and collect such tax as they may establish by their by-laws upon all property, real and personal, in said town, consistent with the laws of

Fairmount, Town of Incorporated.

the State ; *provided*, the same does not exceed the amount of one-half of one per cent. upon the value of the taxable property.

Sec. 6. Be it further enacted by the authority aforesaid, That said town council shall have power to pass such rules and ordinances for the good government of said town as they may deem necessary ; also to pass rules for the collection of taxes, the punishment of disorderly conduct, the preservation of peace and quiet, and the protection of all persons who may be living in or visiting said town, not inconsistent with the laws of this State or the Constitution thereof, or the Constitution and laws of the United States. Ordinances.

Sec. 7. Be it further enacted by the authority aforesaid, That all fines levied or assessed for the violation of any of the rules or ordinances of said town, shall be in the discretion of said town council, and execution may issue for the same when necessary, which may be levied and collected by the marshal or his deputy under such rules as the town council may make ; *provided*, that said town council shall not be allowed to impose a fine of over twenty-five dollars for any violation of their by-laws or ordinances. Punitive powers.

Sec. 8. Be it further enacted by the authority aforesaid, That if any person shall violate any ordinance or regulation of said town made by said council, said town council shall have power to punish for the same to the extent of twenty-five dollars fine, or by imprisonment in the calaboose not to exceed thirty days, or by work on the streets not to exceed fifty days. Street tax.

Sec. 9. Be it further enacted by the authority aforesaid, That said town council shall have power to compel all male persons residing in said corporation over sixteen years of age and under fifty to work the roads or streets of said town, not to exceed fifteen days in each year, or may provide for a commutation per capita tax in lieu of work, not to exceed seven and one-half dollars. Police power.

Sec. 10. Be it further enacted by the authority aforesaid, That said town council may pass any ordinance they think proper and consistent with the Constitution and laws of the State and the United States, to protect life or property of the people of said town or others visiting it, or to promote cleanliness, peace, order and the general good of the people residing in said town, or to remove and suppress nuisances, and to enforce the same by reasonable and proper fines. Taxes.

Sec. 11. Be it further enacted by authority aforesaid, That all fines, taxes or forfeitures collected under this Act shall be for the use and benefit of said town.

Sec. 12. Be it further enacted by the authority aforesaid, That before entering upon their duties the persons elected as councilmen of said town shall take and subscribe the following oath, before any Councilmen, oath of.

Fitzgerald, Charter of Amended.

person authorized to administer oaths: "I do solemnly swear that I will, during my continuance in office, perform all the duties devolving on me as councilman of the town of Fairmount to the best of my power and ability, so help me God."

Sale of
liquor pro-
hibited.

Sec. 13. Be it further enacted by the authority aforesaid, That it shall not be in the power of said councilmen to grant licenses to sell, nor shall any malt, spirituous or other intoxicating liquors be sold within the corporate limits of said town after the passage of this Act, and any person violating this section of this Act shall be guilty of a misdemeanor and, on conviction thereof, shall be punished as prescribed in section 1039, volume three, of the Code of Georgia of 1895.

Repealing
clause.

Sec. 14. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 14, 1897.

FITZGERALD, CHARTER OF AMENDED.

No. 217.

An Act to amend the charter of the city of Fitzgerald, Georgia, relative to the manner of issuing and payment of city warrants, the abolishment of certain city officers, and giving the mayor the casting vote in case of a tie; of changing the corporate limits of said city; creating a board of education; providing for the manner of assessment and equalization of property, and for other purposes.

Fitzgerald,
charter of
amended.

Corporate
limits.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That section 1 of an Act to incorporate the city of Fitzgerald, passed and approved December 2, 1896, be, and the same is, hereby amended to read as follows: The one thousand acres of land, more or less, as platted and filed by the American Tribune Soldiers' Colony Company and designated by said company on their recorded plat as the city of Fitzgerald, and located and situated on lots of land numbered one hundred and twenty (120), one hundred and twenty-one (121), of the third land district, and three hundred and one (301) of the fourth land district, in said county, and bounded on the north

by the north line of Sultana drive, running due east on a parallel line to a point on the west line of five-acre tract one thousand and ninety-seven, thence south on said west line of said tract to the northwest corner of five-acre tract eleven hundred and ten, to the northwest corner of five-acre tract eleven hundred and ten, thence east on north line of said five-acre tract to northeast corner of five-acre tract eleven hundred and nine, thence south on east line of eleven hundred and nine, eleven hundred and eleven, eleven hundred twenty-two, eleven hundred thirty-six, eleven hundred and thirty-eight, eleven hundred and forty-eight, eleven hundred and fifty-four, eleven sixty-three, to the northeast corner of five-acre tract eleven hundred sixty-eight, thence west on north line of said tract and tract eleven hundred and sixty-seven to the northwest corner of five-acre tract eleven hundred and sixty-six, thence south on west line of said tract to the northeast corner of five-acre tract eleven hundred and seventy-two, thence south on said line to the southeast corner of said tract, thence west to the southwest corner of said tract, thence north to Roanoke drive, thence west on the south line of Roanoke drive to the west line of Merimac drive, thence north on said line to the southeast corner of lot four hundred and seventy-nine, thence west on south line of said tract to the southwest corner of said tract, thence north on said line to the north on the west line of tracts four hundred seventy-nine, four hundred eighty and five hundred and seven, to the northwest corner of said tract, thence east on the north line of said tract to the west line of Merimac drive, thence north to the place of beginning.

Sec. 2. Be it further enacted, That section nineteen of said charter be, and the same is, hereby amended so as to read as follows: That all ordinances shall be read twice and there shall be at least one week intervene between the first and second reading, except in cases of emergency, when by a majority vote of the council elect, and approval of the mayor, may be passed at the first reading. Ordinances,
how passed

Sec. 3. Amend section twenty by adding to the same the following: *Provided*, said council shall not have authority to issue city warrants to exceed seventy-five per cent. of the tax levy of each year, except there be money in the treasury to pay the same. Warrants
on treasury

Sec. 4. Amend section forty-three so it shall read as follows: Strike out the words city attorney and recorder, the same to take effect at the close of the present term, after which time City attorney
and recorder.

the mayor shall succeed to all his powers and duties and be entitled to all fees of same, as are allowed the recorder.

Sec. 5. Amend section forty-four as follows: The city marshal shall be an elective officer by the people.

Sec. 6. Amend sections fifty-eight and fifty-nine so as to read as follows: Add to section fifty-eight the following words: Not fix the valuation of the city property at a higher figure than fixed by the county at its last previous assessment, making due allowance for improvements and appreciation or depreciation of property. Add to section fifty-nine so as to read as follows: That the board of equalization shall be composed of the aldermen at large, president of the council and chairman of the board of education, and shall meet on the second Tuesday of April of each year. The city clerk shall act as clerk of said board and keep an accurate record of all changes made in the valuation of property and all other proceedings. They may adjourn from day to day until the work is completed, and a majority of the board shall constitute a quorum to do business. If no quorum is present the clerk may adjourn from day to day and publicly announce the time to which the meeting is adjourned.

Sec. 7. Add to section sixty as follows: And shall not fix the valuation of city property at a higher figure than fixed by the county at its last previous assessment, making due allowance for improvements and appreciation or depreciation of property.

Sec. 8. Strike out section fifty entire.

Sec. 9. That the city may extend its corporate limits in the manner and by the different methods hereinafter provided. When a majority of the property owners adjacent to the corporate limits of the city petition the mayor and city council to have any of the property, giving the description and boundaries of the same, included in the city limits, such city council may by a two-thirds vote of all the aldermen elect annex the same, and it shall become a part of the city.

Sec. 10. That at the first city election there shall be a board of education, consisting of eight members, who shall have the same qualifications as members of the city council, two members from each ward of said city, who shall serve two years; *provided*, at the first election four of said board elected from the wards shall be elected for one year, to be determined by lot.

Sec. 11. Be it further enacted by the authority aforesaid, That said board of education shall have authority to elect from their number a president, vice president and clerk.

Sec. 12. Be it further enacted by the authority aforesaid, ^{Public schools.} That said board of education shall have power to establish and maintain a system of public schools within said district, to hire a superintendent, teachers, janitors and all necessary help and assistants, and fix the term of school months to be taught each year, the compensation and duties of the superintendent, teachers and other help and the studies to be taught; and to fix an amount and the terms on which parties living outside of said school district may send pupils to said schools, to provide for free books, maps, charts and school apparatus, and have full charge and control of all school property.

Sec. 13. Be it further enacted by the authority aforesaid, ^{Estimate of school expense.} That it shall be the duty of said board of education to make an estimate of the amount of funds necessary to carry on the public schools for the ensuing year and report the same to the city council at least ten days prior to the time of making the annual city levy. Said board of education shall hold their regular meetings once each month, or oftener if necessary, and shall have full power and authority to audit all bills against said school district, to draw warrants on the school fund in the hands of the city treasurer for the payment of all claims against said school district, not, however, to exceed 50 per cent. of the sums appropriated to and due from all sources to said school district, except when there is money in the treasury to pay the same.

Sec. 14. Be it further enacted by the authority aforesaid, ^{Election for bonds.} That said city of Fitzgerald shall have full power to call an election and submit the question of voting bonds of said city of Fitzgerald, provided the manner of conducting the said election and the issuing of said bonds be governed in all respects by the laws of the city governing the city in such cases. That the said members of the board of education shall not receive more than one dollar per year for all services rendered by such member, and no other compensation of any kind either directly or indirectly in said capacity, and any member of said board shall neither directly or indirectly take any contract or engage in any work for compensation for said school district, on penalty of forfeiting his office; *provided*, that the clerk of said board may be allowed a compensation to be fixed by the board, not to exceed one hundred dollars per year.

Sec. 15. Be it further enacted by the authority aforesaid, ^{Vacancies.} That in the case of a vacancy by death, resignation, moving out of the ward or otherwise, said vacancy shall be filled by appointment by said board; a majority of said board shall constitute a quorum for

Warrants
on school
fund.

all purposes. That all warrants shall be drawn on the school fund in the hands of the city treasurer by the clerk of education and signed by the president of said board and clerk, and shall be payable in the order of their presentation to said treasurer; and in case there shall be no funds in said treasury to the credit of said school fund, then it shall be the duty of said treasurer to register said warrants and the amount of same and write or stamp the date on said warrant and "No funds." Then from that date said warrant shall draw six per cent. interest until paid; *provided*, said interest shall cease on notice to be given personally or deposited in the post-office to the last known holder of said warrant, directed to his last known address, by said city treasurer, whose duty it shall be to give said notice where there is funds in his hands to take up said warrants in the order in which they were registered.

School
district.

Sec. 16. That said school district herein shall be co-extensive with the city limits herein defined, and shall be extended or diminished so as to conform to said limits.

Superin-
tendent of
schools.

Sec. 17. That the superintendent of schools of said district shall report to the clerk of the board of education each month the number of pupils of school age attending said school in said district, whereupon it shall be the duty of the clerk of said board of education to forward to the State School Commissioner, and it shall be the duty of said School Commissioner on receipt of the same to forward to the city treasurer of said city of Fitzgerald the funds apportioned to said district in the order that the same is turned over to county school commissioner, and said fund shall be paid out by said city treasurer on the warrants drawn by the president and clerk of the board of education of said school district.

Contracts.

Sec. 18. That all contracts made by the officers appointed by authority of the city shall be continued in full force for teachers, janitors or otherwise, shall be continued and recognized under this Act, and all debts and liabilities of said city contracted by the present school board shall be assumed by the school district under this Act; and all books, papers, property, etc., belonging to said city and in charge of the board of education shall be turned over to the officers elected under this Act, when they shall have been elected and qualified.

Contracts,
how let.

Sec. 19. That the city council shall after proper advertising let to the lowest responsible bidder contracts for the erection of public buildings, bridges, sewers, and other public works, including labor and material for the same, except work on the streets, alleys and parks and other public grounds. It may secure the faithful performance of all public contracts by reasonable bond, and shall

have the right to reject all bids; where in its judgment the work can be done for a less sum than the lowest bid, it shall be done by the council. The council shall also let in like manner the public printing for a term not exceeding one year at a time, but shall not pay more for the same than is allowed by the laws of the State.

Sec. 20. That section six of said charter be, and the same is, hereby amended by striking from the second and third line after the word "council," in second line, these words: but in no case shall be allowed to vote, and by adding to the end of said section these words: "in case of a tie the mayor shall be allowed to vote, ^{Mayor's vote.} and it shall be his duty to do so."

Sec. 21. To amend section forty by inserting after the word "regulate" in the third line the words or prohibit.

Sec. 22. That section fifty-seven be amended so as to read as ^{Salaries.} follows: The city council shall by ordinance fix and determine the salaries and compensation for all city officers and the time the same shall be paid; *provided, however,* that the salary of the mayor shall not exceed one hundred dollars a year, and the fees allowed him by law for performing the duties of police judge; the alderman twelve dollars per annum; city clerk, one hundred and fifty dollars per year; city attorney, one dollar per year and such fees as the city council may determine on for services that may be his duty to perform; assessor, one hundred dollars per year; city marshal, forty dollars per month; treasurer, not to exceed two per cent. of all moneys received and collected by him, except loans made by the city and moneys derived from the issuing of bonds; street commissioner, one dollar and fifty cents per day for the actual time so employed.

Sec. 23. Be it further enacted by the authority aforesaid, That ^{Tax, col-} the time for enforcing the collection of the city tax levied by the ^{lection of.} city of Fitzgerald is hereby extended to March 1st, 1898, and all process for the enforcement of the same shall be extended until that date.

Sec. 24. Be it further enacted by the authority aforesaid, That ^{Repealing} all laws and parts of laws in conflict with this Act be, and the same ^{clause.} are, hereby repealed.

Approved December 14, 1897.

Fort Valley, Extension of Corporate Limits.—Grantville, New Charter for.

FORT VALLEY, EXTENSION OF CORPORATE LIMITS.

No. 333.

An Act to extend the limits of the town of Fort Valley, and for other purposes.

Fort Val-
ley, exten-
sion of cor-
porate
limits.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of same, That the limits of said town are hereby extended in the following manner and to the extent hereinafter described, to wit: Commencing at the present limits of said town on the road leading from said town of Fort Valley to Marshallville, said limits are hereby extended upon east side of said road in the direction of Marshallville so as to include a strip of land thirty feet wide, the center of said strip being the middle of the present road, and said strip extending in a south-westerly direction along said road until the lot on which the school building and used by the public school commission of Fort Valley for the colored public schools of said town is reached; then the limits are extended in a westerly direction so as to include the school building aforesaid and the ground occupied thereby.

Repeal-
ing
clause.

Sec. 2. Be it further enacted, All laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

GRANTVILLE, NEW CHARTER FOR.

No. 196.

An Act to repeal the present charter and all amendments thereto, and to enact a new one for the town of Grantville, Coweta county, Georgia; to provide for a chairman and council; prescribe their powers and duties, and for other purposes.

Grantville,
old charter
repealed.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That an Act to incorporate the town of Grantville, and for other purposes (approved October 10th, 1868), and all acts amendatory thereof, passed heretofore be, and the same are, hereby repealed.

New
charter.

Sec. 2. Be it further enacted by the authority aforesaid, That said town is hereby incorporated under the name and style of the

Grantville, New Charter for.

town of Grantville, and that the corporate limits of said town shall extend three-fourths of a mile from the depot in every direction.

Sec. 3. Be it further enacted, That the municipal government of said town shall be vested in five councilmen, and the present councilmen shall remain in office until the expiration of their term of office, after which the council shall be elected on the first Saturday in January of each year, and shall hold their respective offices for the term of one year next thereafter, and until their successors are elected and qualified; and if from any cause there should be a failure to hold said election, the chairman of the council of said town may order an election by giving five (5) days' notice thereof by publication or by posting written notice thereof in at least three public places in said town. Said election shall be held by any two (2) citizens who may be freeholders in said town, being first sworn to hold such election properly and faithfully, neither of whom being a candidate; they shall keep two tally-sheets and lists of voters and return the same, together with all the ballots cast, under their seal, to the next meeting of the council, who shall open the ballots and declare the result, and the five persons receiving the highest number of votes shall be declared elected.

Councilmen, election of.

Sec. 4. Be it further enacted, That no person shall be eligible to the office of councilman who shall not have been a *bona fide* resident of said town for one year next preceding his election to said office, and who shall have arrived at the full age of twenty-one years.

Qualifications

Sec. 5. Be it further enacted, That vacancies in the office of councilmen by death, resignation, removal from office, or from the town, or by reason of a tie at a regular election, shall be filled by ballot by the remaining members of the council.

Vacancies.

Section 6. Be it further enacted, That all persons residing in said town qualified to vote for members of the General Assembly, who shall have paid all legal taxes, and done all the work on the streets imposed and required by the authorities of said town, and who shall have resided in said town as a *bona fide* citizen thereof sixty days next preceding an election, shall be considered electors and entitled to vote at such election.

Voters.

Sec. 7. Be it further enacted, That each councilman shall, before entering upon the duties of his office, take and subscribe, before the outgoing chairman or any other officer authorized by the laws of this State to administer oaths, the following oath: "I do solemnly swear that I will well and truly perform the duties of councilman of the town of Grantville by adopting such measures as

Oath of councilmen.

in my judgment will most promote the general welfare of the inhabitants of said town and the common interest thereof, so help me God."

Mayor.

Sec. 8. Be it further enacted, That at the first meeting of each council, and immediately after being sworn in office, it shall elect by ballot from its members a chairman, and it shall require a majority of the whole vote to so elect. The member so elected shall be designated as chairman and *ex officio* mayor of the town of Grantville, and shall be the chief executive of the town of Grantville. He shall preside at all meetings of the council, and shall have the right to vote in all elections and upon all questions which may come before said body, except upon questions where he is disqualified by reason of interest or otherwise. He shall see that all laws, ordinances, resolutions, and rules of said town are faithfully and fully executed and enforced, and that all the officers of said town shall faithfully discharge the duties required of them. He shall have general jurisdiction of the affairs of the town. He shall sit in the council chamber of said town as often as necessary for the trial of all offenders against the laws and ordinances of said town, and impose such penalties and sentences as the ordinances may prescribe. He shall receive such compensation as the council may fix, said salary to be fixed at the same meeting at which he is elected.

Sec. 9. Be it further enacted, That the chairman and council may appoint a chairman *pro tem.*, who shall have the authority to discharge all the duties of chairman whenever from sickness, absence from the town, or other cause the chairman is unable to act.

Mayor
ex officio a
justice of the
peace.

Sec. 10. Be it further enacted, That the chairman and chairman *pro tem.*, when in the exercise of the duties of the office of chairman and *ex officio* mayor, shall be *ex officio* justice of the peace within said town, for the purpose of issuing warrants for offenses within said town, and binding or committing to jail the offenders, to appear in any court having jurisdiction of such offenses.

Officers

Sec. 11. Be it further enacted, That said chairman and council, at the time of qualification, shall elect by ballot a clerk and treasurer, and a marshal, fix their compensation, and require such officers to enter into a bond, with sufficient security, to be approved by the chairman, such penalty as may be prescribed by the chairman and council, conditioned faithfully to discharge the duties of their respective offices; to collect and pay over, as required by the chairman and council, all taxes, fines, forfeitures, and all other incomes to said corporation, and to execute all orders and warrants placed in their hands; and such officers shall be elected for one

Grantville, New Charter for.

year, except to fill vacancies; but shall be subject to removal for good cause or at the pleasure of the chairman and council. In case of a vacancy from any cause in such offices, the chairman and council shall fill such vacancy.

Sec. 12. Be it further enacted, That the municipal government of said town shall be vested in the chairman and council, and said municipal government shall be styled the "chairman and council of the town of Grantville," and by that name are made a body corporate; as such they shall have perpetual succession; shall have a common seal; may contract, hold, possess, sell, and convey, for the use of said town, real or personal property of any kind; may sue and be sued; contract and be contracted with; shall pass such ordinances, resolutions, and by-laws for the government of said town as they may deem proper, not in conflict with this charter or the Constitution and laws of this State, or of the United States. Corporate name.

Sec. 13. Be it further enacted, That said chairman and council shall have power and authority in the corporate limits of said town to lay off, vacate, widen, close, open, change, alter, curb, pave, drain, and keep in good order and repair the streets, alleys, sidewalks, cross-ways, drains and gulleys within said limits, for the use of any of the citizens therein, or the public, and to improve and light the same and have them kept free from filth or obstructions on or over them; to establish or regulate a market; to prescribe time of holding the same; to prevent or regulate the sale of fresh meats or vegetables on the streets or at places other than at a fixed market place; to prevent injury or annoyance to the public from anything dangerous, offensive or unwholesome; to regulate the building, location and keeping of pig pens, privies, stables and lots; to prevent hogs, cattle, horses, sheep, and other animals and fowls of all kinds from going at large in said limits; to protect places for divine worship and all assemblies for lawful purposes in and about the premises where held; to abate or cause to be abated anything which is a nuisance within said limits; to regulate the keeping of gunpowder and other combustibles; to provide within said limits places for the burial of the dead and regulate interments therein; to regulate the speed of locomotives and trains within said limits; to provide for the drainage of lots by proper drains and ditches; to make regulations for guarding against danger or dangers by fire; to provide for the collection and forfeiture of bonds; to protect the health, property, and persons of the citizens of said town; to adopt and enforce quarantine regulations; to preserve peace and good order therein; to appoint special or deputy marshals at any time to assist the regular marshal in the discharge of his duties, and to Streets.

Police powers.

pay them for such services, which special or deputy marshals are to be appointed only for special days, occasions, or emergencies, or in the absence from sickness or other reason of the regular marshal, and are to be discharged and no longer paid after said special days or occasions or emergencies for which they were appointed cease; to provide a revenue for the government of the town, and to properly pay out the same; to provide for the assessment of the taxable property or any part thereof within said limits subject to taxation; to adopt rules for the regulation and government of its own body, to carry into effect all powers and authority they possess.

Police
powers.

Sec. 14. Be it further enacted, That said corporate authorities of said town of Grantville shall have power and authority to regulate and control all taverns and public houses; to regulate all butcher pens, tanyards, blacksmith shops, forges, and all machinery run by steam, and to remove or cause to be removed the same or any of them, and to provide by-laws and ordinances regulating the management and control of them or any of them, in case they should become dangerous to property or injurious to the health of any of the citizens of said town, or become a nuisance; to fill up all pits, cellars, old wells and excavations within said limits, or cause the same to be done by the owners, when said authorities deem the same proper or necessary to be done; to regulate and control all pumps, wells, springs and water-tanks and cisterns within said limits; to provide for the arrest and trial of all offenders against any ordinances or by-laws of said corporation, and to punish them by fine or imprisonment in the town prison or guard-house of said town, or by work on the streets, sidewalks and alleys within said limits; and to inflict any one or more or all of said punishment in the discretion of the chairman and council; to abate any nuisance within said limits in a summary manner, and where the nuisance is caused by any act or negligence of any person, the expense of said abatement may be charged against and collected out of such person; to institute all sanitary measures necessary or proper for the preservation of the public health and for the prevention of the generation or introduction of infectious and contagious diseases, and to exercise absolute power over the subject of quarantine, personal or otherwise; to punish for contempt any person by fine, imprisonment in the town prison or guard-house, or by work on the streets, sidewalks, and alleys of said town, or any one or more or all of said punishments, in the discretion of the chairman, or chairman and council; to enforce the payment or collection of any fine

Grantville, New Charter for.

or other indebtedness to said authorities by execution, levy, and sale, or otherwise.

Sec. 15. Be it further enacted, That said chairman and council ^{Streets.} shall have the full power and authority to condemn property for the purpose of opening, laying out new streets and alleys, and for widening, straightening, or otherwise changing the streets, alleys and squares of said town; and whenever said chairman and council shall desire to exercise the power and authority granted in this section, it may be done, whether the land sought to be condemned is in the hands of an owner or a trustee, executor, administrator, agent or guardian, in the following manner: The said chairman and council shall appoint two freeholders and give or cause to be given to the owner of the land sought to be condemned, or to the trustee, executor, administrator or guardian in whose hands the land may be not less than five days' notice of the time and place where said freeholders will meet to assess and determine the amount of damages, and the said owner, trustee, executor, administrator or guardian shall appoint two freeholders, and the four thus appointed shall select a fifth man, and the five men so selected shall at the designated time, or at such time as they may desire or appoint, value, assess, and determine the damages, and make their award accordingly; in case the owner of the land, trustee, executor, administrator or guardian notified fails to appear, or either of those appointed by either party fails to act, another time, not more than ten days distant, shall be appointed, and if any of the arbitrators appointed fails to act at such time, and no others are appointed to fill their places, those acting shall select other freeholders until the board of five is completed, and these five shall make the finding and award. The finding of the majority of those acting shall be deemed the finding and award of the assessors as though it had been agreed by all. Said assessors shall make out their finding and award stating plainly what property is to be taken, and the estimated damages due therefor, and file a copy of the same with the clerk of the council, and file the original with the clerk of the Superior court of Coweta county, Georgia, within ten days from the time appointed by said chairman and council for the assessors to meet to pass on the amount of damages. In all cases where the property sought to be condemned belongs to a railroad company service on them shall be had by serving the nearest agent of the railroad company; either of the parties may have the right within ten days after the filing of said award to enter an appeal to the next term of the Superior Court of Coweta county, Georgia, which said appeal may be entered with the clerk of said Superior Court

Grantville, New Charter for.

by complying with the law regulating appeals from the justice court to the Superior Court. The chairman and council shall have the right at any time before entering an appeal to abandon the proceedings to condemn, on paying the cost of the proceedings up to the time of abandoning the proceedings, each of said assessors shall be paid a sum not exceeding two dollars per day, as the chairman and council may fix, for each day they are engaged in estimating the damages and making their award, which cost shall be paid by the chairman and council.

Fire limits. Sec. 16. Be it further enacted, That said chairman and council may enact any and all ordinances, rules and regulations necessary to lay out a fire district in said town, and enlarge, change, or modify its limits from time to time; to prescribe when, how, and of what material buildings in said limits may be erected or covered; how thick the walls must be, and how chimneys, stovepipes and flues are to be constructed, and generally to do all such things as they may deem necessary to protect said town so far as possible from dangers of fire and prevent the spread of fire from one building to another. And if any person, firm, or corporation shall erect any building which is not in accordance with the laws and ordinances of said town, said chairman and council may order such buildings removed; and if such person, firm, or corporation shall not remove such buildings after notice to do so, then said chairman and council shall have authority and power to remove the same at the expense of the owner, which expense may be collected by execution or otherwise.

Sale of liquor prohibited. Sec. 17. Be it further enacted, That the sale of spirituous and intoxicating liquors shall never be licensed in said town, and the sale thereof shall be forever prohibited therein; that for the purpose of enforcing this prohibition, the chairman and council are empowered to punish the sale of the same or keeping of the same for sale, or for inducement to trade in said town, by a fine not to exceed five hundred dollars, work on the public streets or works of said town for not longer than six months, or both, in the discretion of the chairman.

Tax on property. Sec. 18. Be it further enacted, That the chairman and council shall have power to assess, levy, and collect an *ad valorem* tax not to exceed one-half of one per cent. per annum, upon all the real and personal property in said town, for the purpose of providing revenue for the ordinary expenses of the municipal government.

Business tax. Sec. 19. Be it further enacted, That the said corporate authorities of said town of Grantville shall have power and authority therein to levy, assess, and collect a tax or license fee upon all livery

Grantville, New Charter for.

stables, sale and feed stables, hacks, drays, all vehicles, and animals used for hire, markets, sellers of fresh meat or fish or oysters, restaurants, auctioneers, itinerant traders, theatrical performances, shows of all kinds, circuses, exhibitions of all kinds, itinerant lightning-rod dealers, clock and stove peddlers, peddlers of all kinds, itinerant dealers in jewelry or medicine, all traveling or itinerant venders of articles, wares, or merchandise, except such as are excepted by the laws of Georgia; every keeper of a billiard or pool or bagatelle table kept for gain or public use; every keeper of a shooting or a ten-pin alley, or any other table, stand or place for the performance of any game or play, whether played or operated with sticks, balls, cards, dice, rings, or other contrivances; any person running a flying-jenny, or flying horses, or public swings; all solicitors or canvassers selling goods, wares or merchandise by sample at retail, or to consumers; all agents selling guano, or other thing or things of value; and all other establishments, business, callings, professions, vocations and agencies, subject under the laws of this State. Said corporate authorities shall have power and authority to compel the payment of said tax or license fees; to make all proper and necessary by-laws and ordinances to carry out the powers and authority conferred on them, and prescribe and enforce suitable penalties for a violation thereof.

Sec. 20. Be it further enacted, That all rules, regulations, by-laws, and ordinances now existing for the government of said town shall remain of force and effect, except such as are in conflict with the provisions of this Act, until the said rules, regulations, by-laws or ordinances are repealed, modified or amended.

Sec. 21. Be it further enacted by the authority aforesaid, That this Act shall take effect and be of force from and after its passage, and all laws and parts of laws in conflict herewith are hereby repealed. Repealing
clause.

Approved December 8, 1897.

Guyton, Charter of Amended.

GUYTON, CHARTER OF AMENDED.

No. 233.

An Act to amend the charter of the town of Guyton, Georgia, and the amendments thereto, reducing the tax on the property of the town from one-half of one per cent. to one-quarter of one per cent., and authorizing the mayor and aldermen of said town to levy and collect a specific or license tax on the places in the town where mercantile trade is carried on.

Guyton. Section 1. Be it enacted by the General Assembly of Georgia, That the charter of the town of Guyton, Georgia, and the amendments thereto, are hereby so amended as to reduce the tax on the property of the town from one-half of one per cent. to one-quarter of one per cent., this reduction not to be construed to repeal the school-tax law for said town, and the mayor and aldermen of the town are hereby authorized to levy and collect a specific or license tax on places in the town of Guyton where mercantile trade is carried on; *provided*, not more than twenty dollars shall be required on any one place for one year for specific or license taxes, nor shall any taxes be required for the sale of articles produced by the seller or on the farm of the same. The mayor and aldermen of the town of Guyton shall define by ordinance the manner in which this tax is to be levied and collected, whether by license on the place of business or by specific tax on each class of merchandise, and shall state the amount of tax in each particular and shall publish the same in the usual manner of publishing ordinances for the town thirty days prior to the time when the tax is to take effect, and the mayor and aldermen shall have the same authority to enforce the collection of the taxes herein provided for that were given them in the charter of the town of Guyton for the collection of taxes.

Repealing clause. Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

HAWKINSVILLE, CHARTER OF AMENDED.

No. 197.

An Act to amend the charter of the city of Hawkinsville, in Pulaski county, Georgia, so as to provide for the selection and appointment of assessors and receivers of tax returns for the city of Hawkinsville, and to assess the value of all property, both real and personal, in the city of Hawkinsville, for city taxation, prescribe the number, the method of selection, the qualification, duties and remuneration of such assessors and receivers, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That the charter of the city of Hawkinsville, in Pulaski county, be, and the same is, hereby amended so as to authorize the selection and appointment of assessors and receivers of tax returns in and for the said city of Hawkinsville. Hawkinsville, charter of amended.

Sec. 2. Be it further enacted by the authority aforesaid, That the number of said assessors and receivers shall be three, each of equal rank and authority. Assessors and receivers of tax returns

Sec. 3. Be it further enacted by the authority aforesaid, That the mayor and aldermen of said city of Hawkinsville shall, at their first regular meeting in January, 1898, or as soon thereafter as practicable, select and appoint the three said assessors and receivers; one for the term of one year from February 1st, 1898; one for the term of two years from February 1st, 1898; and one for the term of three years from February 1st, 1898. That after this first selection and appointment the said mayor and aldermen shall annually after the second Monday in January, and in the month of January, or as soon as practicable thereafter, select and appoint a successor to the assessor and receiver whose term of office expires, and the term of office of each assessor and receiver after the first selection and appointment above provided for, shall be three years, or until his successor shall have been selected and qualified, unless removed as herein provided for. Appointment of.

Sec. 4. Be it further enacted by the authority aforesaid, That the mayor and aldermen are invested with full power and authority to remove any assessor and receiver at any time and for any cause or reason they may deem sufficient, and such removal by the mayor and aldermen shall be final and conclusive, and not reviewable by any court or appealed from. Removal of.

Hawkinsville, Charter of Amended.

- Vacancy. Sec. 5. Be it further enacted by the authority aforesaid, That in case of death, resignation, or removal of any assessor and receiver, his successor shall be selected and appointed only for the unexpired term of such assessor and receiver.
- Qualifications of. Sec. 6. Be it further enacted by the authority aforesaid, That no one shall be eligible as assessor and receiver who is not of full age and a *bona fide* resident within the corporate limits of the city of Hawkinsville.
- Compensation of. Sec. 7. Be it further enacted by the authority aforesaid, That the compensation of said assessors and receivers shall be fixed by the mayor and aldermen before the selection and appointment of said assessors and receivers, and in no event shall the compensation of any assessor and receiver be increased during his term of office.
- Oath of. Sec. 8. Be it further enacted by the authority aforesaid, That each assessor and receiver before entering upon the discharge of his duties shall take such oath and give such bond as the mayor and aldermen may prescribe and require conditioned for the faithful discharge of his duties.
- Duties of. Sec. 9. Be it further enacted by the authority aforesaid, That the duties of said assessors and receivers shall be to wit: 1st. To open the tax books for receiving tax returns of all taxable property within the corporate limits of the city of Hawkinsville, or that may be owned by the citizens or residents of said city, and liable for city taxation; said books to be opened on the first day of March of each year and kept open until the first day of May of each year, when they shall be closed for receiving tax returns. 2d. To make just and true assessments of all property, both real and personal, liable for city taxes according to the cash market value of such property in all cases where the same is not returned by the owner or is returned below its cash market value. 3d. To see that all property liable for city taxation is returned, or in default of such return by the owner or his properly accredited agent, to assess such property and report it for taxation. 4th. To have on the books of tax returns all real estate fully and accurately described, showing on what street, side of the street, which block and which square of the block and what part of the square the land is situated, the amount of the land and its shape and size, and the true and real owner, so that all land in the corporate limits may be identified together with the owner thereof at the time of return for taxation; and all persons returning land for taxation shall be required to give the assessors and receivers the information so they can comply with the above requirements, and parties failing or refusing to give such

information to the assessors and receivers shall be deemed and treated as tax defaulters and proceeded against accordingly, and the mayor and aldermen shall have power and authority to cite and compel persons failing and refusing to furnish the assessors and receivers with such information to appear before said mayor and aldermen and who shall proceed against such persons for contempt of mayor and aldermen on the failure of such persons to furnish then and there such information relative to the lands owned or claimed by them as well as the real owner of such lands. 5th. To publish once during the first week in April of each year at the expense of the city of Hawkinsville in the official gazette of the city of Hawkinsville, notice of the closing of the books of tax returns for the city of Hawkinsville. 6th. To turn over to the mayor and aldermen on the first day of June of each year the books of tax returns with the assessments properly made, and which are to be placed in the hands of the clerk and treasurer for collection as now practiced and provided for. 7th. To do and perform such other duties as may be prescribed for them by the ordinances of the city of Hawkinsville.

Sec. 10. Be it further enacted by the authority aforesaid, That ^{Appeals on assessments.} any one dissatisfied with the assessment of his or her property may enter an appeal to the mayor and aldermen, whose decision in the matter shall be final and conclusive.

Sec. 11. Be it further enacted by the authority aforesaid, That ^{Tax returns.} all returns for taxation by the city of Hawkinsville shall be made to the assessors and receivers for tax returns for said city herein created and provided for.

Sec. 12. Be it further enacted by the authority aforesaid, That ^{Date of valuation.} the first day of March of each year be the time fixed for valuation of property for taxation by the city of Hawkinsville.

Sec. 13. Be it further enacted by the authority aforesaid, That ^{Unreturned property.} all property not returned for taxation during March and April of each year shall be double taxed; *provided, however*, that the mayor and aldermen shall have power in their discretion to relieve against the double tax for good cause shown.

Sec. 14. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 8, 1897.

HAWKINSVILLE, BONDS FOR WATERWORKS AND ELECTRIC LIGHTS.

No. 168.

An Act to amend the charter of the city of Hawkinsville, in Pulaski county, so as to authorize and empower the mayor and aldermen of said city of Hawkinsville to order an election held therein to determine whether or not bonds shall be issued by the said city of Hawkinsville in a sum not to exceed forty thousand dollars, and to be sold for the purpose of establishing, building, maintaining and operating a system of electric lights and waterworks for said city of Hawkinsville, and to authorize the issuing of said bonds and the assessing, levying and collecting of a tax on all property both personal and real in said city of Hawkinsville for the purpose of paying the interest upon said bonds as well as the principal thereof, and for other purposes.

Hawkinsville.

Bonds for waterworks and electric lights, election for.

How issued.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the mayor and aldermen of the city of Hawkinsville shall submit to the qualified voters of said city, under the provisions of the Code of Georgia of 1895, sections 377 to 381 both inclusive, the question of issuing bonds in a sum not to exceed forty thousand dollars, and to be sold for the purpose of establishing, building, maintaining and operating a system of electric lights and waterworks for said city of Hawkinsville, and at said election the ballots shall be written or printed, to wit: "For electric lights and waterworks bonds," or, "Against electric lights and waterworks bonds."

Sec. 2. Be it further enacted by the authority aforesaid, That should the said election herein provided for be in favor of bonds for electric lights and waterworks, then the mayor and aldermen of said city of Hawkinsville shall be and are hereby authorized to issue said bonds for the purpose of establishing, building, maintaining and operating a system of electric lights and waterworks for said city of Hawkinsville, in a sum not to exceed forty thousand dollars in the aggregate, each of the said bonds to be so issued to be in such sums as the mayor and aldermen of said city may designate; *provided*, the same be not less than one hundred dollars and not more than one thousand dollars each, and said bonds are to run for a period of thirty years, with interest thereon at a rate not exceeding six per centum per annum, said interest to be payable annually

Hawkinsville, Bonds for Waterworks and Electric Lights.

or semi-annually as the said mayor and aldermen may elect and direct.

Sec. 3. Be it further enacted by the authority aforesaid, That ^{Pay-} the mayor and aldermen of said city of Hawkinsville shall have ^{ments of.} power and authority, and are hereby vested with the same, to determine how much if any of the principal of said bonds shall be paid annually, or if the said mayor and aldermen deem it best and most conducive to the interests of the said city of Hawkinsville, they are hereby authorized and empowered not to make annual payments on the principal, but to make such payments on the principal of said bonds at such times as they may deem best, or to defer payments on the principal of said bonds until all of the principal on said bonds has matured at the expiration of thirty years.

Sec. 4. Be it further enacted by the authority aforesaid, That ^{Sale and} said bonds shall be signed by the mayor and clerk of council of ^{proceeds.} said city of Hawkinsville under its corporate seal and shall be sold, hypothecated, or disposed of to the very best advantage and interest of the city of Hawkinsville as may be determined by the mayor and aldermen of the said city, and the proceeds thereof shall be used exclusively for the purpose of establishing, building, maintaining and operating a system of electric lights and waterworks for the said city.

Sec. 5. Be it further enacted by the authority aforesaid, That ^{Location} the system of electric lights and waterworks herein provided for ^{of works.} shall be located at such place or places and shall be built, equipped, maintained and operated in such manner and style as the mayor and aldermen of said city shall deem for the best interest of said city and its citizens and that will be most conducive to a full economic supply of good lights and wholesome water for the use of said city and the citizens thereof.

Sec. 6. Be it further enacted by the authority aforesaid, That ^{Rules and} the mayor and aldermen of said city shall have full and ample ^{regulations.} power to make any and all rules, regulations, and ordinances relative to the said electric lights and waterworks and the use of said lights and water by the citizens of said city that they may deem right and proper; *provided, only* that the same are not repugnant to the Constitution and laws of this State.

Sec. 7. Be it further enacted by the authority aforesaid, That ^{Charges for} the mayor and aldermen of said city of Hawkinsville are hereby ^{water and} authorized and empowered to charge the citizens of said city such ^{lights.} sum as they, the mayor and aldermen, may deem just and proper for the use of said lights and water.

Hawkinsville, Bonds for Waterworks and Electric Lights.

Tax for
payment
of bonds.

Sec. 8. Be it further enacted by the authority aforesaid, That the mayor and aldermen of said city are hereby authorized and empowered to annually assess, levy and collect a tax on all the property, both real and personal, within the corporate limits of said city, in such sum as they may deem right and proper for the specific purpose of paying the interest on said bonds and accumulating a fund for the payment of the principal on said bonds on maturity of said bonds, or at such times as the mayor and aldermen may have fixed for payments on the principal of said bonds. The said tax so assessed, levied and collected shall be kept separate and distinct from all other taxes, and shall be used solely for the payment of the interest on said bonds annually or semi-annually as the case may be, and the payment of the principal of said bonds at maturity thereof, or at such other times as the mayor and aldermen of said city may have fixed for payments on said principal.

Sinking
fund.

Sec. 9. Be it further enacted by the authority aforesaid, That the mayor and aldermen of said city are hereby authorized and empowered, in lieu of making payments on the principal of the said bonds before the maturity thereof at the expiration of thirty years, to make such deposits, loans, or other disposition of the money raised annually for the payment of the principal on said bonds as will secure interest on such money and insure its safety to be forthcoming to meet the said bonded indebtedness of the said city at its maturity, and thus annually provide a sinking fund for the said purpose of paying the principal on said bonds when all have matured.

Taxes pay-
able by
credits on
bonds.

Sec. 10. Be it further enacted by the authority aforesaid, That owners and holders of such bonds issued under this Act shall have a right to pay such sum as such owner shall be indebted to said city of Hawkinsville for taxes for any year during the term of the running of such bond or bonds by him or her held, by demanding that the interest on the bond or bonds so held and due by the city of Hawkinsville for that year shall go as a credit on his or her taxes due the city of Hawkinsville for the year in which said taxes and the said interest both become due.

Other
elections.

Sec. 11. Be it further enacted by the authority aforesaid, That if the election herein provided for should be against the issuing of said bonds, then in that event the mayor and aldermen of said city of Hawkinsville may at their own instance, and shall on the application in writing of any five freeholders of said city, at any time hereafter order another election under the provisions of this Act; pro-

Hawkinsville, Act of 1892, Authorizing Bonds for Waterworks, Repealed.

vided, only, such elections shall not be held oftener than once in every six months.

Sec. 12. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing
clause.

Approved December 3, 1897.

HAWKINSVILLE, ACT OF 1892, AUTHORIZING BONDS FOR WATERWORKS, REPEALED.

No. 165.

An Act to repeal an Act entitled "an Act to amend the charter of the city of Hawkinsville, in Pulaski county, so as to authorize the mayor and aldermen of said town to order an election therein to determine whether or not bonds shall be issued by the said town to be sold for the purpose of building and providing a system of waterworks for said town, and to authorize the levying and collection of a tax on the property in said town for the purpose of paying interest upon and paying said bonds at maturity thereof, and for other purposes," approved December 20, 1892.

Section 1. Be it enacted by the General Assembly of Georgia, and it is enacted by the same, That an Act entitled "an Act to amend the charter of the town of Hawkinsville, in Pulaski county, so as to authorize the mayor and aldermen of said town to order an election therein to determine whether or not bonds shall be issued by the said town to be sold for the purpose of building and providing a system of waterworks for said town, and to authorize the levying and collection of a tax on the property in said town for the purpose of paying interest upon and paying said bonds at maturity thereof, and for other purposes," approved December 20, 1892, be, and the same is, hereby repealed. Hawkinsville.
Election for bonds to build waterworks, act authorizing repealed.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

Homer, New Charter for.

HOMER, NEW CHARTER FOR.

No. 174.

An Act to establish and create a new charter for the town of Homer, Banks county, Georgia, to grant certain powers and privileges to the same, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, an Act approved December 19, 1859, incorporating the town of Homer, in the county of Banks, said State, be, and the same is, hereby repealed, and that in lieu thereof the following shall be the charter for and of said town of Homer, Georgia.

Homer,
old charter
repealed.

Sec. 2. Be it further enacted, That the municipal government of the town of Homer, in the county of Banks, shall be vested in a mayor and five councilmen, who are hereby constituted a body corporate under the name and style of the mayor and council of the town of Homer, and by that name and style shall have perpetual succession, and shall in said name be capable to sue and be sued, plead and be impleaded in any court of law or equity in this State; shall have power to purchase, lease, hold, receive, enjoy, possess and retain to them and their successors, for the use and benefit of said town, any estate or estates, real or personal, of whatever kind or name, within the limits of said town, and to sell, alien, exchange, lease or convey the same or any part thereof, and to do all other acts relating to their corporate capacity consistent with the Constitution and laws of said state.

New
charter.Corpo-
rate name.

Sec. 3. Be it further enacted, That the corporate limits of said town of Homer shall extend three-fourths mile in every direction from the present court house in said town.

Corpo-
rate limits.

Sec. 4. Be it further enacted by the authority aforesaid, That O. N. Harden be, and he is, hereby appointed mayor, and Z. D. Hill, J. J. Turk, R. T. Thompson, N. J. Ayers and T. F. Hill be, and they are, hereby appointed councilmen of said town of Homer, to hold their office until the first annual election, or until their successors are qualified, as hereinafter provided.

Mayor and
council-
men.

Sec. 5. Be it further enacted, That no person shall be eligible as mayor or councilman of said town unless he is twenty-one years of age at the time of his election or appointment,

Qualifi-
cations.

Homer, New Charter for.

and unless he shall have resided within the corporate limits of said town for the space of twelve months immediately preceding his election or appointment, and that the term of office of said mayor and councilmen shall be for one year from the time of his election and until his successor is elected and qualified.

Sec. 6. Be it further enacted, That on the first Thursday in January next, and on every first Thursday in January annually thereafter, there shall be held in the court house or council chamber in Homer, Georgia, an election for mayor and councilmen of said town, at which election all citizens of said town twenty-one years of age, who shall have resided within the corporate limits of said town six months immediately preceding the day of election, who may be entitled to vote for members of the General Assembly in this State, who shall have worked upon the streets, sidewalks and alleys of said town the number of days they have been required to work in the year in which said election is held, or paid a commutation tax in lieu thereof, according to the provisions of this Act and the by-laws and ordinances of said corporation, and who shall have paid all taxes and fines due said town or corporation, shall be entitled to vote at such election for mayor and councilmen of said town; and no person shall be entitled to vote at such election except the persons hereinabove referred to in this section. The polls at said election shall be open from 9 a. m. to three (3) p. m. on election days. All elections for mayor and councilmen of said corporation shall be managed and conducted by persons qualified to manage and hold an election in this State for members of the General Assembly of Georgia, and all of said elections shall be managed and conducted in the same manner as elections for said members of the General Assembly are conducted. The managers of election for mayor and councilmen of said town shall, as soon as possible after said election, give certificates of election to the persons receiving the highest number of votes for their respective offices, which certificate shall be recorded on the minutes of said council and shall be held to be the highest evidence of the election of said officers.

Sec. 7. Be it further enacted, That in the event of a vacancy in the office of mayor or councilman of said town by death, removal or otherwise, from the limits of said town, the remaining councilmen shall fill said vacancy by appointing some eligible person to fill out the unexpired term of said mayor or councilman whose office was made vacant; that the mayor and each of the councilmen of said town shall, before entering upon

Homer, New Charter for.

Oath of
mayor and
council-
men.

the duties of their respective offices, take and subscribe before any person authorized by the laws of Georgia to administer an oath the following oath, to wit: "I do solemnly swear that I will, to the best of my ability, discharge the duties of mayor (or councilman, as the case may be) of the town of Homer, faithfully and impartially during my continuance in office, so help me God;" that said oath shall be recorded on the minutes of said council. And the mayor, councilmen and other officers of the town of Homer shall each receive such compensation for their services as may be fixed by council, which shall not be increased or diminished during their term of office.

Officers.

Sec. 8. Be it further enacted, That the mayor and council may at once appoint a marshal and a clerk of the council and a treasurer for said town, and who shall take a similar oath to the mayor and councilmen. The mayor and council may by ordinance prescribe the duties of the marshal and clerk and treasurer and may require of them bonds in such sums as they may approve, payable to the mayor and councilmen of the town of Homer and their successors in office, and approved by a majority of said corporate authorities, which bonds shall be conditioned for the faithful performance of their duties as treasurer and marshal respectively, and shall be recorded on the minutes of the council.

Books and
accounts.

Sec. 9. Be it further enacted, That the clerk of said corporation shall keep open to inspection of the citizens of said town a full record of the proceedings of said corporate authorities, and the treasurer of said corporation shall keep an itemized statement or account of all moneys received from every source and paid or expended for any purpose, and showing amounts on hand, which statement or account shall likewise be open to any citizen of said town.

Illegal
voting.

Sec. 10. Be it further enacted, That any person voting at any election for mayor or councilmen of said town, who is not legally entitled to vote, shall be subjected to be indicted by the grand jury of Banks county and tried in the superior court of said county, and, upon conviction, shall be punished as prescribed in section 1039 of the third volume of the Code of Georgia.

Mal-
practice.

Sec. 11. Be it further enacted, That any mayor of said town or any member of said council, who, while in office, shall be guilty of malpractice, any wilful neglect or abuse of powers confided in him, or shall be guilty of any other conduct unbecoming his station, shall, upon conviction, be expelled from office by a majority vote of the council.

Sec. 12. Be it further enacted by the authority aforesaid, That

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the mayor and council of said town shall meet for the transaction Meetings. of business at such time and places as they may prescribe. At all such meetings the mayor, if present, shall preside, and he may Vote. vote in case of a tie. He may also vote in all elections for officers who are elected by the board, whether there be a tie or not. The mayor and three councilmen to constitute a quorum for the transaction of business. A less number, in the absence of a quorum, may adjourn a regular meeting to a further time.

Sec. 13. Be it further enacted, That the mayor and council may Tax on levy and collect a tax upon all the real and personal property in property. said town taxable under the State laws. They may provide for the assessment of the value thereof or take the valuation from the tax digest of the county. They may provide for the collection of said tax, but they shall not collect a tax of more than fifty cents on the one hundred dollars valuation of property until such higher rate of tax has been, by the mayor and council, submitted to a vote of the legal voters of said town, and authorized by a majority of the votes cast at an election held for that purpose. Ten days' notice of such election shall be given by the mayor, and the rate of taxation and the purpose for which it is needed, shall be given in such notice. A tax on property shall be levied and collected but once in each year, and may be made payable at such times (in whole or by installments) as the mayor and council may direct. Execution for unpaid taxes shall be issued by the mayor and levied by the marshal. Sales of personalty may be made by the marshal, after notice of the time and place of sale, and a fair description of the property to be sold posted for ten days at three public places in said town. If the marshal shall levy upon land he shall return the *fi. fa.* to the sheriff of said county, who shall advertise and sell such land under the same rules and regulations as control other sales of land by the sheriff, and pay over the proceeds of such sales to the marshal, unless prevented by other claims thereto. There shall be a lien on real and personal estate in said town for all taxes assessed against the owner, and for all penalties and fines imposed upon such owner from the time such tax is assessed or fines or penalties imposed superior to all other liens against the same, except liens for State and county taxes.

Sec. 14. Be it further enacted by the authority aforesaid, That Tax on the mayor and council shall have the authority to tax all shows, business. auctioneers, sleight of hand performances and all contrivances, of whatever kind, used for the purpose of gaming or carrying on games of chance, by selling cards, tickets or numbers, or by turning a

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deal, or by using any other artifice or contrivance. Also the right to tax dogs; also all business, trades and callings, and establishments in said town, as they may deem proper and just; *provided*, the same is not repugnant to the Constitution and laws of the State.

Sec. 15. Be it further enacted, That the council of the town of
 Streets, etc. Homer shall have power therein to lay off, vacate, close, open, alter, curb, pave and keep in good order and repair roads, streets, alleys, sidewalks, cross-walks, drains and gutters for the use of the public, or any other citizen thereof, and to improve and light the same and have them kept free from obstruction on or over them; to regulate the width of said walks on the streets and to order the sidewalks, foot-ways, cross-walks, drains and gutters to be curbed and paved and kept in good order, free and clean by the owner and occupant thereof, or of the real property next adjacent thereto; to establish and regulate market; to prescribe the time of holding the same; to
 Police prevent injury or annoyance to the public or individuals from any- powers. thing dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep and other animals, and fowls of all kinds, from going at large in such town or village; to protect places of divine worship in and about the premises where held; to abate or cause to be abated anything which, in the opinion of the majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide in or near the town or village places for the burial of the dead and to regulate interment therein; to provide for the regular building of houses or other structures, and for the making of division fences by the owners of adjacent premises, and the drainage of lots by proper drains and ditches; to make regulations for guarding against danger or damage by fire; to protect the property and person of the citizens of such town or village and to preserve peace and good order therein, and for this purpose to appoint, when necessary, a police force to assist the marshal in the discharge of his duties; to prescribe the powers and define the duties of the officers appointed by the council, fix their term of service and compensation required, take from them bonds when deemed necessary, payable to such town in its corporate name, with such sureties and in such penalty as the council may see fit, conditioned for the faithful discharge of their duties; to erect or authorize or prohibit the erection of gasworks or waterworks in the town; to prevent injury to or pollution of the same or to the water or healthfulness of the town; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the town, and to provide a revenue for the town and appropriate the same to its expenses; to provide for the annual assessment of taxable property therein,.

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and to adopt rules for the regulation and government of its own body. To carry into effect these enumerated powers and all others conferred upon such town or village, or its council, by this charter or by any future Act of the Legislature of this State, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations not contrary to the Constitution and laws of this State and to prescribe, impose and enact reasonable fines, penalties and imprisonment in the county jail or the place of imprisonment in said incorporation, if there be one, for a term not exceeding thirty (30) days, for the violation thereof.

Sec. 16. Be it further enacted, That the mayor and town council of Homer shall have the right and power to organize work gangs or other means of confinement, and to confine at labor therein for a term not exceeding thirty (30) days, persons convicted of violating the ordinances of said town; *provided*, that said penalty shall be inflicted only as an alternative of failure or refusal to pay fines imposed for such violations. Work-gangs.

Sec. 17. Be it further enacted, That the mayor and town council of Homer shall have full power and authority to provide by ordinances for the forfeiture of bonds given by offenders for their appearance before the municipal court of said town, and to provide for the collection of the same from the principals and sureties to such bonds by judgments, execution and sale. Fines and collection.

Sec. 18. Be it further enacted, That the mayor of the town of Homer shall be the chief executive officer of said town; he shall take care that the orders, by-laws, ordinances, acts, and resolutions of the council are faithfully executed; he shall be *ex officio* justice of the peace within the town, shall within the same possess and exercise all the powers and duties vested by law as a justice of the peace, except that he shall have no jurisdiction as such in civil cases; he shall have control of the police of the town, and may appoint special police officers whenever he deems it necessary, and it shall be his duty especially to see that the peace and good order of the town are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the town or village; before issuing his warrant therefor, he shall have the power to suspend or dismiss finally, at any time, any marshal or police officer who should be guilty of any conduct unbecoming an officer; he shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default Mayor
ex officio a
justice of
the peace.

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Mayor
pro tem.

to the jail of the county in which such town is situated, or any other place of imprisonment in such corporation, if there be one, until the fine, or penalty or costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days. In the absence from the town, by sickness or otherwise, or during any vacancy in the office of mayor, any one of the councilmen, selected by the majority, shall perform his duties and be vested with all his powers.

Mayor's
court.

Sec. 19. Be it further enacted, That the mayor, or in his absence the presiding officer of council, or any other member of council designated for that purpose, shall have full power and authority to hold, at such times and places and under such regulations as may be prescribed by ordinance, a mayor's court for the said town, for the trial of offenders against the ordinances of said town, and to impose such penalties for the violation thereof as may be prescribed by ordinances, a fine for each offense not exceeding one hundred (\$100) dollars, or imprisonment not exceeding thirty (30) days in the town prison, or in the county jail of Banks county, or to be put to hard labor on the streets or sidewalks, or public works of said town, both fine and imprisonment, or fine and hard labor on the streets, sidewalks or public works of said town.

Sec. 20. Be it further enacted, That all male persons over the age of sixteen years and under the age of fifty years, who have resided in the corporate limits of said town ten days, shall be subject to work on the streets, alleys, and sidewalks within said limits, each and every year, not exceeding fifteen days each year, or to pay a commutation tax each year in lieu of working said streets, alleys and sidewalks, which commutation tax shall not exceed seven dollars and fifty cents each year; and said mayor and council shall have the right and power to compel said persons to work said streets, alleys and sidewalks not exceeding fifteen days each year, or to pay a commutation tax therefor not exceeding seven dollars and fifty cents each year, and in the event any such person fails or refuses to perform said work, or to pay said commutation tax fixed by the by-laws and ordinances of said corporate authorities, after being notified by either the marshal or superintendent of streets of said town orally one day beforehand to do said work or pay said tax, such person, for such refusal or failure, shall be subject to be arrested by said marshal and punished by said corporate authorities by being compelled to work upon said streets, alleys and sidewalks, not exceeding thirty (30) days, and to pay a fine of fifteen (\$15.00) dollars or less, or to be imprisoned in the

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town guard-house, or prison, or common jail of Banks county; not exceeding thirty (30) days.

Sec. 21. Be it further enacted, That the mayor or acting mayor of said town of Homer shall have power and authority to compel the attendance of witnesses before him by written subpoena, to be served by the marshal, his deputy or some policeman of said town, which subpoena shall state the case to be tried, and the time and place of hearing; and shall have power to punish any person who, after being duly summoned, without a valid excuse, shall fail to appear and testify, under such rules and regulations as may be prescribed by the mayor and council by by-law. Witnesses.

Sec. 22. Be it further enacted, That the mayor and council of Homer may have the right and power to punish any person who fails or refuses to assist the marshals of said town when called on by said marshals to aid them in the arrest or imprisonment of any person liable to arrest or imprisonment by said marshals; to regulate the speed of driving or riding within said limits; to pay each of the managers of election for mayor and councilmen of said town a sum not exceeding one dollar for each election. Police powers.

Sec. 23. Be it further enacted, That the corporate authorities of the town of Homer shall have full and complete control of the streets, sidewalks, alleys and squares within said corporate limits of said town, and shall have full power and authority to condemn any property within the corporate limits of said town for the purpose of opening and laying out new streets and alleys and sidewalks, and squares, and for widening, straightening or otherwise changing the streets, alleys, sidewalks or squares of said town; and whenever the said corporate authorities shall desire to exercise the power and authority granted in this section, it may be done, whether the property sought to be condemned is in the hands of an owner or a trustee, executor, administrator, agent or guardian, in the following manner: the said corporate authorities shall appoint two freeholders and give or cause to be given to the owner of the property sought to be condemned, or to the trustee, executor, guardian, or administrator, in whose hands the property may be, not less than five days' notice of the time and place when said freeholders will meet to assess and determine the amount of the damages, and the said owner, trustee, or executor, administrator or guardian, shall appoint two freeholders, and said freeholders shall select a fifth man, and the five men so selected shall, at the designated time, or at such other time as they may desire and appoint, value, assess and determine the damage and make their findings and award accordingly. In case the owner of the land, trustee, exec- Streets, control of.
Condem-
nations for

Homer, New Charter for.

utor, or administrator, or guardian so notified fails to appear, or either of those appointed by either party fails to act, another time, not more than ten days distant, shall be appointed, and if any one of the arbitrators appointed fails to act at such time and no others are appointed to fill their places, those or the one acting shall select other freeholders until the board of five is completed, and those five shall make the finding and award. The finding and award of those acting shall be deemed the finding and award of the assessors just as effectually as though it had been agreed to by all. Said assessors shall make out their finding and award, stating plainly what property is to be taken and the estimated damages due therefor, and file the same with the clerk of the superior court of Banks county, Georgia, within ten days from the time of finding and award. In all cases where the property sought to be condemned belongs to a railroad company, service of notice on them shall be had by serving its nearest agent of the railroad company. Either of the parties has the right within ten days after the filing of the finding and award with said clerk of said court, to enter an appeal to the next term of the superior court of said Banks county, occurring ten days after said appeal is entered, which appeal may be entered with the clerk of the superior court of said Banks county by complying with the law regulating appeals from justice to superior courts. Said corporate authorities shall have the right at any time to abandon the proceedings to condemn, and end all proceedings in the matter at any time before an appeal is entered, by paying all costs of the proceedings up to the time of abandoning the proceedings. Each of said assessors shall have one dollar per day for each day they are engaged in estimating the damages and making their award and finding, which costs shall be paid by said corporate authorities of said town of Homer. Either party may enter an appeal to said superior court from the finding and award of said assessors in the same manner in all respects by paying the costs and giving bond, or by filing a pauper's affidavit, just as if said finding and award was the judgment of a justice court of the justice of the peace, for an amount over fifty dollars. When an appeal is entered said appeal case shall be treated and dealt with in all respects as are appeal cases from a justice court.

Liquor,
sale of.

Sec. 24. Be it further enacted, That the mayor and town council of Homer shall have full power and authority to regulate, control, or prevent altogether, the sale of vinous, malt or spirituous, intoxicating liquors, bitters, mixtures, by whatever name called, or any drink or beverage that will produce intoxication, in said

Jesup, Charter of Amended.

town; to fix any fee they may see proper for said license or business, and to impose penalties and restrictions upon any person selling such intoxicating liquors, bitters, mixtures or beverages, with or without such license; *provided*, that no license for the sale of any of these shall in no case be less than seven hundred dollars per annum.

Sec. 25. Be it further enacted, That the town of Homer, when ^{Bridges.} incorporated as contemplated in this Act, shall not be liable to keep up, maintain or repair the present or any future bridges across Hudson river or Grasy creek, or any appurtenances thereto attached.

Sec. 26. Be it further enacted, That no mayor, councilman, marshal, clerk or treasurer, or other officer of said town, shall be a contractor to do any work, or furnish any material to do any work, or for any work, material or services rendered or done for said town, and receive any pay for any such work, material or services, except to receive such salaries as they may be entitled to by law. Any officer of said town who may violate the above provision, shall be deemed guilty of a misdemeanor, and may be prosecuted for the same. ^{No officer shall become a contractor.}

Sec. 27. Be it further enacted, That the mayor, or acting mayor, of Homer, when sitting as a court, may fine for contempt not exceeding (\$10.00) ten dollars, or imprisonment not exceeding fifteen (15) days, for each such contempt. ^{Contempt.}

Sec. 28. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. ^{Repealing clause.}

Approved December 3, 1897.

JESUP, CHARTER OF AMENDED.

No. 234.

An Act to amend the charter of the town of Jesup by striking from section 8 of said charter the following words, to wit: Each person registered shall pay to the clerk of said town a registration fee of fifty cents, which shall be used as mayor and aldermen of said town may prescribe.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid, That the charter of the town of Jesup, as amended by the Act approved December the 26th, 1888, be and the same is hereby amen- ^{Jesup.}

LaFayette, Charter of Amended.

Registration fee.

ded, by striking from section 8 of said Act approved December 26th, 1888, after the word office in the 12th line of said section, the following words, to wit: Each person registered shall pay to the clerk of said town a registration fee of fifty cents, which shall be used as the mayor and aldermen of said town may prescribe.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

LaFAYETTE, CHARTER OF AMENDED.

No. 236.

An Act to amend the charter of the town of LaFayette in Walker county, Georgia, so as to extend the corporate limits of said town; to establish a public school system in said town; to authorize the county school commissioner of Walker county to pay to the board of education of said town such part of the public school fund as may be their *pro rata* part; to appoint a board of trustees for said school; to provide for the levy of a tax to support said school, and for other purposes.

LaFayette.

School tax.

Section 1. Be it enacted by the General Assembly of the State of Georgia (the town authorities of the town of LaFayette, in Walker county, having so recommended), That the mayor and councilmen of the town of LaFayette, Walker county, Georgia, are authorized to levy a tax annually, in addition to that now authorized by law, not to exceed one-fifth ($\frac{1}{5}$) of one per cent., on the real and personal property of said town, for the purpose of establishing and maintaining a public school in and for said town of LaFayette; *provided*, the sum so raised shall be used only for the purpose as in this section set forth.

Election for public schools.

Sec. 2. Be it further enacted by the authority aforesaid, That the mayor of the said town of LaFayette shall, within sixty (60) days after the passage of this Act, order an election, giving at least ten days' notice thereof, by posting notices at the court house door in said town and five other conspicuous places in said town, to ascertain the sense of the voters of said town.

LaFayette, Charter of Amended.

under this Act, at said election, whether public schools shall be established in said town or not. All male persons twenty-one ^{Voters.} (21) years of age and residing in said town at the time of said election, and who are not barred from voting under the Constitution of said State, shall be qualified to vote at said election, and registration laws shall not apply to said election. All persons voting at said election shall have written or printed on their ballots the words "For public schools," or "Against public schools;" and if the question should be decided affirmatively by the constitutional majority of two-thirds of all the qualified votes cast at said election, then, and in that event, the mayor and councilmen of said town shall levy the tax provided for in ^{Tax.} the 1st section of this Act; and if said question shall be decided negatively, the mayor and councilmen of said town are authorized to order another election upon the same question; *provided*, twelve months shall elapse between said elections.

Sec. 3. Be it further enacted by the authority aforesaid, That ^{Election, how held.} the election provided for in section 2 of this Act shall be held in the same manner as elections for mayor and councilmen are held in said town.

Sec. 4. Be it further enacted by the authority aforesaid, That ^{Corporate limits.} the corporate limits of said town of LaFayette be, and the same are, hereby extended and enlarged so that the same shall extend one mile in all directions from the center of the court house in said town, for public school purposes only; *and provided*, that the town authorities or other authority of said town shall levy no tax and exercise no power or authority over the territory added to said town by this Act except to levy tax, the tax provided for in section 1 of this Act, to collect the same, and such other powers and jurisdiction as shall be incidental to and necessary for carrying out and maintaining said public school system, the purpose of said extension being to include the added territory of said town for public school purposes and for no other purpose. The trustees for said public school, hereinafter provided for, shall be entitled to receive from the county school commissioner of Walker county the *pro rata* ^{School fund.} share of the State school fund for support of the public schools of said town, and it is hereby made the duty of said commissioner to pay over to said trustees said *pro rata* share.

Sec. 5. Be it further enacted by the authority aforesaid, That ^{Board of trustees.} A. R. Steel, Thomas B. Lawrence, Thomas J. Foster, A. S. Sparks, Richard F. Mize, J. M. Underwood and Hugh P. Lumpkin be, and they are, hereby appointed a board of trustees

LaFayette, Charter of Amended.

for the public schools of said town, under this Act, to hold office for one year after the election provided for under section 2 of this Act; and in the event any one or more of said persons shall fail or refuse to accept said trust and to qualify as such trustee within ten days after such election, in that event the ordinary of said county shall appoint other persons until a full board is made.

Annual
election
of trustees.

Sec. 6. Be it further enacted by the authority aforesaid, That the trustees of said public schools shall be elected each year by the qualified voters of said town, on a day of the week corresponding to the day of the week and month on which the first set may qualify; and if, from any cause, an election shall not be held on that day, then, and in that event, the mayor of said town shall, upon the petition of any ten citizens of said town, order an election held upon ten (10) days' notice. All trustees shall hold office until their successors shall be elected and qualified, and all vacancies from death, removal or any other cause, be filled by appointment by the ordinary of said county.

Qualifi-
cation of
trustees.

Sec. 7. Be it further enacted by the authority aforesaid, That any person shall be eligible to the office of trustee of said public school who shall have attained the age of twenty-five (25) years and who shall have been a *bona fide* citizen of said town for at least five (5) years next preceding his election, and who is a qualified voter under the laws of the State. Representatives on the board of trustees shall, after the expiration of the terms of those appointed in this Act, be as follows: 1st. That part of said town known as Union Cotton Mills, and embracing land now owned by said Union cotton mills, shall be entitled to two representatives on said board. 2d. The other five trustees may be elected without respect to place of residence.

Authority
and duties
of trustees.

Sec. 8. Be it further enacted by the authority aforesaid, That said trustees shall have control of the new academy in said town. The officers of said board shall be a president, secretary and treasurer, to be elected by them from their body. The treasurer shall give bond and security in the sum of one thousand dollars (\$1,000) to the mayor of said town, for the faithful performance of his duties. Said board shall keep a full, complete and correct record of all its proceedings, and the treasurer shall likewise keep a correct book account of all funds received by him and all amounts paid out, to whom and for what purpose, and shall not pay out any sum or amount except by order of the board of trustees; and said treasurer shall also

publish quarterly statements of all moneys received and disbursed by him.

Sec. 9. Be it further enacted by the authority aforesaid, That said board of trustees shall provide for a two hours' night school at Union Cotton Mills, in said town of LaFayette, to be taught at least five (5) months in each year, or longer, in the discretion of said trustees; *provided*, that said Union Cotton Mills will provide a suitable and proper school house for said school. Said board shall also provide a school whose term shall commence the first Monday in July in each year, in which shall be taught the branches of a common English education, and whose term shall continue for five (5) months or more, in conjunction with the high school, whose fall term may commence later than July 1st, as said board in its discretion may direct.

Night school at Union Cotton Mills.

Sec. 10. Be it further enacted by the authority aforesaid, That said board of trustees shall provide a separate school for colored children in said town and have supervision of the same, and employ and contract with teachers for the same.

School for colored children.

Sec. 11. Be it further enacted by the authority aforesaid, That said board of trustees shall be authorized to devise, design and adopt a permanent system of public instruction in the town of LaFayette; to modify the same from time to time; to establish such other schools as they may see proper; to prescribe a curriculum; appoint teachers for said schools, and to contract with said teachers; to suspend or remove such teachers; fix the compensation; to make and hold titles to property, and to make such by-laws, rules and regulations for their own government, the teachers and pupils of said schools, as said board may adopt not inconsistent with the laws of this State.

Super-
vision of
schools.

Sec. 12. Be it further enacted by the authority aforesaid, That tuition in said public schools shall be absolutely free to all children in said town (inclusive of the territory added by this Act) between the ages of six (6) and eighteen (18) years, whose parents, guardians or protectors reside in said town, or who shall become residents of said town, with the declared purpose and intention of becoming permanent residents.

Tuition free.

Sec. 13. Be it further enacted by the authority aforesaid, That all students entering said schools who do not reside in said town, as explained in section 12 of this Act, shall pay a matriculation fee of four dollars and fifty cents (\$4.50) on entering the common school department, and in higher branches shall pay ten dollars (\$10.00) matriculation fee; these payments to

Fees of non-residents.

LaGrange, Waterworks, Electric Lights and Sewerage.

be made on entering the school, and shall entitle the students making the payments to attend the schools of said town for one scholastic term of five months, without payment of other tuition or charge.

Repealing
clause.

Sec. 14. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

LAGRANGE, WATERWORKS, ELECTRIC LIGHTS AND SEWERAGE.

No. 173.

An Act to authorize and empower the mayor and council of the city of LaGrange to purchase, build and maintain a system of waterworks, electric lights and sewerage for the city of LaGrange, to hold an election on a day specified as now required by law, to determine the question of creating a debt against said city by the issuance of bonds, to provide for the assessment and collection of annual tax, and for other purposes.

LaGrange.
Water-
works, elec-
tric lights
and sewer-
age for.
Election
for bonds.

Section 1. Be it enacted, That the mayor and council of the city of LaGrange be, and they are, hereby authorized and empowered to purchase, build and maintain a system of waterworks, electric lights, sewerage, etc., for said city; to hold an election on a day specified as now required by law, to determine the question of creating a bonded debt for said purposes, not to exceed in the aggregate seventy-five thousand (\$75,000) dollars, the bonds to be of such denomination as said mayor and council may think best, to be due and payable at any time within thirty years after issue, as said mayor and council may determine, and that said bonds when issued shall bear interest not to exceed six per cent. per annum; to provide at or before the incurring of said indebtedness for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said debt as the same falls due, such portion as may be necessary to be set apart as a sinking fund with which to pay said bonds at their maturity. The tax hereby authorized and required to be levied shall be in addition to that levied under the several charters of said city for general purposes.

Tax.

Sinking
fund.

Sec. 2. Be it further enacted, That said bonds herein authorized to be issued shall be sold as hereinafter provided, and the proceeds

of said sale shall be used for waterworks, electric lights, sewerage and permanent improvement of the city of LaGrange; said bonds shall be executed by the official signatures of the mayor and clerk of the city of LaGrange, and having affixed the corporate seal of said city. The coupons or interest warrants shall be signed by the clerk of the city and each coupon or interest warrant shall indicate the bond to which it belongs. The clerk of the council shall keep a record of the numbers and denominations of all the bonds issued.

Proceeds
of bonds.Bonds, how
executed.

Sec. 3. Be it further enacted, That said bonds, as they fall due, and the interest coupons or warrants upon said bonds shall be paid by the clerk of the council, by order of the mayor of said city of LaGrange, on presentation at the office of said clerk when due, or at such agency in the city of New York as may be designated by ordinance passed before issuance of said bonds. That the principal of said bonds, when they shall become due, and the coupons or interest warrants of the same, when they shall become due, shall be receivable by the city of LaGrange in payment of all dues to the city of LaGrange, and said bonds shall not be taxable, directly or indirectly, by the city of LaGrange.

Pay-
ment of.

Sec. 4. Be it further enacted, That so soon as the bonds to be issued under this Act shall have been signed by the mayor and clerk of council of the city of LaGrange, and the corporate seal of said city attached thereto, they shall be kept safely by the mayor and sold by him in the following manner: He shall advertise said bonds for sale to the highest bidder, for thirty days, in such newspapers and cities as he may think best for bids for said bonds, and the said bonds shall be sold to the highest and best bidders; *provided*, that in no event shall said bonds or any of them be sold for less than par.

Sale of
bonds.

Sec. 5. Be it further enacted, That before the bonds herein provided for shall be issued, the assent of two-thirds of the qualified voters of the city of LaGrange shall be obtained in the manner now provided by law as prescribed in sections 377, 378, 379 and 380 of the Code of 1895.

Vote re-
quired for
bonds.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing
clause.

Approved December 3, 1897.

LAKE PARK, CHARTER OF AMENDED.

No. 311.

An Act to amend, revise and consolidate the several Acts granting corporate authority to the town of Lake Park, in Lowndes county, to confer additional power upon the mayor and town council of Lake Park, and for other purposes.

Lake Park,
charter of.

Section 1. Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the following shall constitute the charter of the town of Lake Park, in Lowndes county, Georgia: The corporate powers of said town shall be vested in the mayor and four councilmen, who are hereby constituted a body corporate under the name and style of the mayor and town council of Lake Park, and by that name and style shall have perpetual succession, may have and use a common seal, and be capable in law and equity to purchase, have, hold, receive, enjoy, possess and retain to them and their successors, for the use of the town of Lake Park, any estate or estates, of whatever nature, real or personal, within or without the jurisdictional limits of said town for corporate purposes, and shall, by said corporate name, be capable of suing and being sued, in any court of law or equity in this State, and shall succeed to all the rights and liabilities of the town of Lake Park.

Corporate
limits.

Sec. 2. Be it further enacted by the authority aforesaid, That the corporate limits of said town shall extend one-half of one mile in every direction from the center of block fourteen (14) in the plan of said town as surveyed by Arthur Few, Esq., in January, 1890.

Mayor and
council-
men, elec-
tion of.

Sec. 3. Be it further enacted, That on the first Tuesday in January, 1899, and annually thereafter on the same Tuesday mentioned, an election shall be held in the council chamber (or such place as may be selected by the mayor and council) in said town for a mayor and four councilmen, by the qualified voters in said town, whose term of office shall begin on the second Tuesday in January, 1899, and annually thereafter on the same Tuesday, and who shall hold their offices for one year and until their successors are elected and qualified. Said election shall be opened at 8 o'clock a. m. and closed at 3 o'clock p. m.; to be held under the superintendence of a justice of the peace of said town and two free-

How held.

holders of said town, or by three freeholders; said freeholders to be chosen by the contestants. No one shall vote for or be eligible to the office of mayor or councilman who has not resided in said town six months previous to the day of election, and who is not qualified to vote for members of the General Assembly of this State, and who has not paid all fines or taxes due to said town. Said election shall be held and conducted in the same manner and under the same regulations as are elections for members of the General Assembly. The managers of all elections under the provisions of this section shall be entitled to receive one dollar each per day, to be paid out of the town treasury and shall be required to make out a certificate showing who are entitled to the respective offices, and the certificates of the managers shall be sufficient authority to the persons elected to enter upon the discharge of their duties. In the event the mayor or any member of the council shall die, resign, be removed from office or remove beyond the corporate limits of said town, there shall be an election ordered by the mayor within ten days thereafter, to fill such vacancy; or in case there is no mayor, by a majority of the members of the council then in office, upon five days' notice in writing posted in three public places in said town; which elections shall be conducted as are the regular elections. Vacancies.

Sec. 4. Be it further enacted, That on the succeeding Tuesday after the election, or as soon thereafter as the person can appear at the council chamber of said town and take and subscribe to the following oath, which oath shall be administered by any judicial officer of this State, and shall forthwith enter upon the discharge of their respective duties: "I —, do solemnly swear that I will faithfully discharge all the duties devolving upon me as mayor (councilman, clerk or treasurer, as the case may be), to the best of my ability, without favor or affection, so help me God." Oath of mayor and councilmen.

Sec. 5. Be it further enacted, That the said mayor and councilmen shall have power to elect a marshal, clerk, treasurer, and such other officers as they may deem necessary and proper, regulating their salaries, taking their bonds, prescribing their duties and oaths; and to remove them from office, or impose fines, at the discretion of said mayor and councilmen. The officers so elected, or appointed, shall, before entering upon the duties of their offices, subscribe to the oath prescribed in section four, before the mayor or mayor *pro tem*. Officers.

Sec. 6. Be it further enacted, That at the first meeting in each year the town council shall elect from their number a mayor *pro tem*. Mayor pro tem.

Lake Park, Charter of Amended.

tem., whose duty shall be the same as that of the mayor in the event of sickness, absence or disqualification of the mayor. In the event of the disqualification of the mayor and the mayor *pro tem.*, the majority of the councilmen shall perform all duties and exercise all authority of the mayor.

Clerk and
treasurer,
election
and duties
of.

Sec. 7. Be it further enacted, That immediately upon the qualification of a majority of the town council they shall, at once, proceed to the election of clerk and treasurer; said clerk and treasurer must be eligible to vote for mayor and council before they can be elected to office. The duties of the clerk and treasurer of said town shall be to keep a just and true account of the proceedings of said mayor and council at their regular and call meetings, shall be entrusted with the funds belonging to said town, and shall be required to give a good and sufficient bond, to be approved by and payable to the mayor and town council of Lake Park, conditioned to the faithful performance of the duties of his office. The treasurer shall receive and pay out all funds of said town by the directions of the mayor and council.

Marshal.

Sec. 8. Be it further enacted, That at their first meeting in each year the mayor and council shall elect a town marshal, and such a number of deputy marshals as they may deem necessary, whose duty it shall be to enforce the ordinances of said town, arrest and bring before the mayor all offenders against the same, and perform such other duties as may be required of them by the mayor and town council.

Salaries.

Sec. 9. Be it further enacted, That the mayor shall receive for his services a salary of not less than twenty-five nor more than one hundred and fifty dollars per annum, which salary shall be fixed by the preceding mayor and councilmen at their regular meeting in October, annually, which amount shall not be changed during the term for which it shall have been fixed; and each councilman shall receive one dollar for every regular meeting attended and shall not be subject to street tax or road duty during their term of office.

Mayor
executive
officer.

Sec. 10. Be it further enacted, That the mayor shall be the chief executive of the town of Lake Park. He shall see that all laws, ordinances, resolutions and rules of the town are faithfully executed and enforced, and that all officers of the town shall faithfully discharge all the duties required of them. He shall have a general jurisdiction of the affairs of the town; he shall have power to suspend any officer of the town for neglect of duty, disorderly conduct or drunkenness; report his actions to next meeting of the

Lake Park, Charter of Amended.

town council, who, after investigation, shall either discharge or reinstate said officer so suspended; he shall preside at all meetings of the mayor and town council of Lake Park, when not prevented by any providential cause. He shall not have the right to vote only in case of a tie, then he shall cast the deciding vote for the election of officers and all other business that may come before the councilmen.

Sec. 11. Be it further enacted, That there shall be a mayor's court for the trial of all offenders against the law and ordinances of the town to be held by the mayor, and in his absence or disqualification by the mayor *pro tem*. Said court shall have the power to preserve order and compel the attendance of witnesses, to punish for contempt by imprisonment not exceeding two days, or fine not exceeding ten dollars, one or both. Mayor's court.

Sec. 12. Be it further enacted, That the mayor, or in his absence or disqualification the mayor *pro tem*., shall, as often as may be necessary, hold a police court, to be known as mayor's court, for the trial of all offenders against the laws and ordinances of the town of Lake Park. Said mayor's court shall have full power and authority, upon conviction, to sentence such offenders to labor upon the streets, or other public works, for a period not to exceed 60 days, or to impose a fine not to exceed one hundred dollars; either or all of said penalties may be imposed, in the discretion of the court. Mayor *pro tem*.

Sec. 13. Be it further enacted, That the mayor shall be *ex officio* justice of the peace, as to enable him to issue warrants for violations of the criminal laws of the State committed within the town of Lake Park, and shall have full power, on examination, to commit the offenders to jail, or to bail them if the offense be bailable, to appear before the court having jurisdiction. Mayor *ex officio* a justice of the peace.

Sec. 14. Be it further enacted, That the regular meetings of the mayor and town council shall be held on the first Tuesday in each month, but the mayor, and in his absence, the mayor *pro tem*., shall have power to call an extra meeting of the mayor and town council at such time or times as the interest of the town may demand. Meetings of council.

Sec. 15. Be it further enacted, That for the purpose of raising revenue for the support and maintenance of the town government the mayor and town council of Lake Park shall have full power and authority, and shall, not later than at their regular meeting in April in each year, prescribe by ordinance for the assessment, levy and collection of an *ad valorem* tax upon real and Tax *ad valorem*.

personal property within the incorporated limits of said town; *provided*, such tax shall not exceed one-half of one per centum per annum, and the same shall be enforced and collected by executions issued by the clerk, countersigned by the mayor and directed to the marshal of said town, under such rules and regulations as the mayor and town council of Lake Park may prescribe.

Street tax. Sec. 16. Be it further enacted, That the mayor and town council of Lake Park shall also have power to levy a street tax not exceeding three dollars per annum upon all persons residing within the incorporate limits, who are subject to road duty under the laws of this State, for the purpose of working and keeping in repair the streets, sidewalks, lanes and alleys of said town, or in lieu of the payment of said street tax they may prescribe by ordinance for a number of days, not exceeding ten days, to be worked on said streets, sidewalks, lanes and alleys, under the direction of the marshal, by persons who fail to pay street tax within a time or period to be named by said mayor and council.

Repairs of streets. Sec. 17. Be it further enacted, That the mayor and town council shall have full power to order by ordinance the building and repairing of sidewalks out of lumber, brick or stone, at the expense of the adjacent property owners, first giving the adjacent real estate owner the right and privilege of building said walks, when the majority of the voters of said town is obtained by an election held at the council chamber after ten days' notice is given by the mayor and council.

Licenses for business. Sec. 18. Be it further enacted, That the mayor and town council of Lake Park shall have full power and authority to license, regulate and control all taverns, hotels, cafes, restaurants, boarding houses, livery stables, hacks, drays, and other vehicles, auctioneers, vendue masters, itinerant traders, theatrical performances, shows, circuses and exhibitions of all kinds, itinerant lightning-rod dealers, emigrant agents, clock and stove peddlers of all kinds, itinerant dealers in jewelry and all other traveling or itinerant venders of articles, goods, wares and merchandise of every nature whatever, every keeper of a shooting gallery, ten pin alleys, phonographs, every keeper of a billiard, pool or bagatelle table kept for public use; upon the keeper of any other table, stand or place for performance of any game or play whatever played with sticks, balls, rings or other contrivances; upon the keeper of flying horses, bicycles, velocipedes or skating rinks, insurance agents, life and fire insurance companies, brokers, dealers in futures, loan agents or agents for any other business or calling whatever; keep-

ers of slaughter pens, beef markets, green groceries; upon every junk shop and pawn broker; dealers in fish, oysters, vegetables, fruits, breads and other articles of food. This does not conflict with Confederate soldiers' rights of peddling.

Sec. 19. Be it further enacted by the authority aforesaid, That the said mayor and council shall have full power and authority to require any person, firm, company or corporation engaged in prosecuting or carrying on, or who may engage in, prosecute, or carry on any trade, business, calling, avocation or profession within the corporate limits of said town, to register their names and business, calling, vocation or profession, annually, and to require such persons, company or association to pay for such registration and for license to engage in, prosecute or carry on such business, calling or profession aforesaid, not exceeding twenty-five dollars per annum.

Registration of
business.

Sec. 20. Be it further enacted, That the mayor and council shall have full power to open or lay out new streets and alleys, and to widen, straighten, or otherwise change any of the streets and alleys in said town. Whenever they exercise this power they shall appoint one freeholder, and the owner or owners of lots bordering or fronting on or through which such new streets or alleys are to be opened, shall select one freeholder, or if such owner or owners refuse or fail to select one freeholder to represent them for five days after being notified to do so, then the mayor and council shall have power and authority to select one freeholder to act for them, and the two shall assess the damages sustained or the benefit derived by such owners or owner in consequence of such opening, widening or straightening, or otherwise changing such streets or alleys, and in case the two freeholders cannot agree, they shall select a third freeholder to act with them, and a majority of three shall determine the award of such assessors; such freeholders shall be residents of said town, they shall take an oath to faithfully and impartially discharge their duty and shall file their award with the clerk of the council. It shall be binding upon both parties, but either party shall have the right to appeal therefrom to the superior court of Lowndes county within ten days from the rendition of said awards, and such awards against the owner or owners of such lot or lots, when it becomes final, shall be enforced and collected in the same manner as taxes by executions.

Streets,
how
opened.

Sec. 21. Be it further enacted, That the mayor and town council of the town of Lake Park shall have full power to enact such

Police
powers.

Lake Park, Charter of Amended.

ordinances as shall be designed to prevent all kinds of disorderly conduct—cursing, swearing, drunkenness, fighting, quarreling, fast or dangerous driving on the streets of said town; and shall have full authority to enact all such ordinances as shall promote the peace, good order, good health and prosperity of the town; and shall have full power and authority to pass any and all laws which they may deem best for the good and welfare; *provided*, such laws are not repugnant to or in conflict with the laws of the State of Georgia or of the United States; and shall provide for the punishment of offenders against the ordinances, either by fine and imprisonment, either or both, in the discretion of the mayor. They may provide by ordinance to abate or destroy all nuisances, disorderly houses, or houses of ill fame; may punish persons coming into said town without any visible means of support; shall regulate or prevent the discharge of firearms or fireworks in said town, and shall punish all such conduct as is calculated to interfere with or disturb public worship in said town.

Board
of health.

Sec. 22. Be it further enacted, That the mayor and town council of Lake Park shall elect from their number a board of health, composed of three members, including the mayor, who shall be *ex officio* chairman, whose duty it shall be to see it kept in a good sanitary condition; that all privies, water closets, pigsties, barns, stables and other similar places are regularly cleaned and kept in good condition; that all nuisances are abolished, and that everything injurious, in the least degree, to the health of the citizens of the town, be removed. It shall be the duty of this committee to regularly inspect the town, and to prepare and to submit to the town council for adopting such ordinances as will most effectually accomplish the results for which the board of health is appointed; said board shall have general control of the cemetery of said town, and make such regulations in regard to the burial of the dead within said town, or in the cemetery outside of the limits of said town, as they may deem best, and they shall have the right to keep the cemetery in good condition and repair.

Liquor,
sale of.

Sec. 23. Be it further enacted, That the mayor and town council of Lake Park shall have full power and authority to regulate and control altogether the sale of vinous, malt and spirituous, intoxicating liquors, bitters, mixtures, by whatsoever name called, or any drink or beverage that will produce intoxication, in said town; to grant license to each firm or dealer therein in said town; to fix any fee they may see proper for said license or business, said fees not to be less than two hundred nor more than one thousand

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dollars per annum, and to be paid before said licenses are issued, and to impose penalties and restrictions upon persons selling such intoxicating liquors, bitters, mixtures or beverages, with or without such licenses.

Sec. 24. Be it further enacted, That the mayor and council of ^{Pound.} the town of Lake Park shall have power to take up and impound any horses, mules, cattle, hogs, sheep, goats, or any other animals running at large in the limits of said town; and they shall have power to pass such ordinances as may be deemed by them necessary for the proper regulations of stock within the town.

Sec. 25. Be it further enacted, That all executions issued by ^{Fl. fas.,} said town shall be directed to the town marshal, who shall enforce ^{how issued} the same by levy and sale, and all sales conducted by him shall be ^{and enforced.} held in the same manner as are sheriff's sales in this State; *provided*, the property so sold be real estate; but if said property so sold be personal property it shall be legal for said marshal to sell the same before the door of the council chamber on the first Monday in each month, after having duly advertised the same for ten days previously at three public places in said town. Liens for taxes due the mayor and town council of Lake Park shall be superior to all other liens, except liens for taxes due the State.

Sec. 26. Be it further enacted, That the mayor and town council of Lake Park shall have full power and authority to enact an ordinance providing for the establishment of a chaingang of said town for the punishment of offenders against the ordinances of said town; the chaingang shall be under the charge of the town marshal and deputy marshals, and they shall have the right to put chains and shackles upon the convicts, and to work them upon the streets and sidewalks of said town, or elsewhere within the corporate limits of said town; and the marshal or his deputies shall have authority to whip or otherwise punish stubborn and unruly convicts; *provided*, that nothing in this Act shall be construed to authorize the marshal, deputy marshal or any other person whomsoever, cruelly or inhumanly to treat convicts in said chaingang. ^{Chain-gang.}

Sec. 27. Be it further enacted, That the mayor and town council of Lake Park shall have full power and authority to levy a ^{Special tax,} special *ad valorem* tax not to exceed one-half of one per centum per annum on all property, both real and personal, of every nature whatever, collected as other *ad valorem* tax, for the purpose of building a town prison, council chamber and for waterworks for the uses of said town; but said levy and assessment shall not be levied but once in each year, where a majority of the voters is

Lawrenceville, City of Incorporated.

obtained by an election, ordered ten days previous to the day of election by the mayor and council and posted in three public places in said town.

Term of present mayor and council. Sec. 28. Be it further enacted, That the present mayor and council shall hold their office from the passage of this amended charter of Lake Park until the second Tuesday in January, 1899, and until their successors are elected and qualified.

Ordinances, validity of. Sec. 29. Be it further enacted, That all ordinances made by said mayor and town council of Lake Park under and by virtue of the authority delegated in this section shall remain in force indefinitely, until repealed by the action of the mayor and town council of Lake Park.

Repealing clause. Sec. 30. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 20, 1897.

LAWRENCEVILLE, CITY OF INCORPORATED.

No. 171.

An Act to amend an Act, entitled "An Act to amend the several Acts incorporating the town of Lawrenceville, to create the offices of mayor and councilmen, to declare and define the powers and duties of the same, and for other purposes," approved September 17, 1883, by striking from said Act the word "town" wherever it occurs and inserting in lieu thereof the word "city," so that said place of Lawrenceville will be incorporated as a city and not as a town, and for other purposes.

Lawrenceville, city of incorporated. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, an Act entitled "An Act to amend the several Acts incorporating the town of Lawrenceville, to create the offices of mayor and councilmen, to declare and define the powers and duties of the same, and for other purposes," approved September 17, 1883, be, and the same is, hereby amended by striking from said Act the word "town" wherever it occurs and inserting in lieu thereof the word "city," so that said place of Lawrenceville will be incorporated as a city and not as a town.

Lincolnton, Tax for School Fund.

Sec. 2. Be it further enacted, That the municipal govern-^{Corporate}ment of Lawrenceville shall be conducted in the name and style ^{name.} of the city of Lawrenceville, and as such be liable to all its obligations and perform all its duties and functions.

Sec. 3. Be it further enacted, That all laws and parts of ^{Repealing} laws in conflict with this Act be, and the same are, hereby re- ^{clause.}pealed.

Approved December 3, 1897.

LINCOLNTON, TAX FOR SCHOOL FUND.

No. 162.

An Act to allow the town council of the town of Lincolnton, Lincoln county, State of Georgia, to levy a tax of one-half of one per cent. on all the taxable property, both real and personal, in the corporate limits of said town, to be used as a supplementary fund to the public school fund, each and every year after the passage of this Act, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act it shall be lawful for the town council of the town of Lincolnton, of the county of Lincoln and State of Georgia, to levy a tax of one-half of one per cent. on all the taxable property, both real and personal, in the corporate limits of said town, to be used as a supplementary fund to the public school fund of said public school, situated within the corporate limits of said town of Lincolnton, during each and every year after the passage of this Act. ^{Lincolnton, school fund.}

Sec. 2. Be it further enacted by the authority aforesaid, That ^{Tax, how collected.} this tax shall be collected by the same officer that collects the other taxes of said town.

Sec. 3. Be it further enacted by the authority aforesaid, That ^{School fund, how used.} said town council shall see to the legal application of said supplementary public school fund, and that they shall be legally responsible as individuals for such application.

Sec. 4. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

 Lyons, Town of, New Charter for.

LYONS, TOWN OF. NEW CHARTER FOR.

No. 206.

An Act to abolish the charter of the town of Lyons, in Tatnall County, and to establish a new charter for same; to grant special powers, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, Lyons. That the present charter of the town of Lyons, in the county of Tatnall, be, and the same is, hereby abolished, and a new charter Charter for. established for the same; that the corporate name of said town shall be the "Town of Lyons," and the corporate powers of said town shall be vested in a mayor and five aldermen, and by that name shall have perpetual succession, and shall, by the name of "Town of Lyons," be capable to sue and be sued in any court of law or equity in this State, plead and be impleaded, and do all other acts relative to their corporate capacity, and shall be capable in law to purchase, hold, receive, enjoy and possess and retain, for the use and benefit of said town of Lyons, in perpetuity or for any term of years any estate, real or personal, lands, tenements, hereditaments, of whatsoever kind or nature, within the limits of said town, and to sell, alien, exchange, or lease the same, or any part thereof, in any way whatsoever.

Sec. 2. Be it further enacted by authority of the same, That the Corporate limits. corporate limits of said town shall extend one thousand yards in each and every direction from the present depot of the Georgia and Alabama Railway in said town.

Sec. 3. Be it further enacted, That the present mayor and five Mayor and aldermen, election of. aldermen shall constitute the mayor and aldermen of the town of Lyons under the provisions of this charter until an election shall be held; that an election shall be held at the council chamber of said town on the first Wednesday in February, eighteen hundred and ninety-eight, and every two years thereafter on the same day, for a mayor and five aldermen, who shall hold their offices for two years or until their successors are elected and qualified, and should there fail to be an election held in said town at the time above specified, then the mayor of said town shall order an election held by posting a notice of same in three public places in said town or by advertising such notice in any public gazette having a circulation in said town. Said notice shall be posted or published ten days before said election. The polls at said election shall be opened at nine o'clock a. m., and closed at four o'clock p. m. The qualifica-

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tions of voters at said election shall be such as are required for electors for the General Assembly, and in addition thereto residence within the corporate limits of said town for six months next preceding the election, and the payment of all legal taxes required of them by said corporation, and registration as hereinafter provided.

Sec. 4. Be it further enacted, That said election shall be held under the superintendence of three freeholders; said superintendents to take an oath for the due and legal performance of their duties as such superintendents, and to have all the powers incident to superintendents of elections in this State. In case the managers shall have any reasonable doubt as to the qualifications of any voter, or should any vote be challenged, they shall administer the following oath: "You do swear that you are a citizen of the State of Georgia, that you have attained the age of twenty-one years, that you have resided one year in the State and for the last six months within the corporate limits of the town of Lyons, and have paid all taxes legally required of you by said town, so help you God."

Sec. 5. Be it further enacted, That the superintendents of said election shall conform to the laws governing elections in this State in so far as they are applicable to said election, and shall duly declare the result of said elections and issue certificates of election to such persons as receive the highest number of votes polled, who shall within ten days of their election qualify by taking an oath to well and truly perform the duties of their respective offices before an officer authorized in this State to administer oaths. Said oath shall be filed with the clerk of council, which, with the list of voters and tally-sheet, shall be entered on the record of the minutes of council; *provided*, that in the event of the filing of the contest to said election, the party whose election is contested shall not exercise the duties of his office until said contest shall have been heard and determined by council, who shall hear and determine all contests, under such rules and regulations as they may prescribe, and whose decision shall be final.

Sec. 6. Be it further enacted, That at the first meeting of said council after each general election they shall choose from their own number a mayor *pro tem.*, who shall, in the absence, sickness or disqualification of the mayor, perform all the duties required of the mayor. And in case of the absence, sickness or disqualification of the mayor, the mayor *pro tem.* shall be clothed with all the rights, privileges and duties of the mayor-elect upon taking the usual oath. And if the mayor *pro tem.*, as well as the mayor-elect, shall both be unable from any cause to attend to their duties, the council shall elect another mayor *pro tem.* who shall thereby be clothed with all

the powers, rights and duties of the mayor-elect upon taking the usual oath.

Vacancies. Sec. 7. Be it further enacted, That in case of the death, resignation or removal from office, or removal from the town, of the mayor, the mayor *pro tem.* shall order an election to fill said vacancy, as is prescribed in section three of this Act (in case of failure to hold an election); and in case of a vacancy in the board of aldermen arising from any cause, said vacancy shall be filled by an election to be ordered by the mayor, or mayor *pro tem.*, as the case may be, in the same manner as is prescribed in section three of this Act.

Qualifications. Sec. 8. Be it further enacted, That no person shall be eligible to any office under this Act who is not eligible as a voter at the election aforesaid, and any officer of said corporation who shall be guilty of malpractice or abuse of the powers confided to him shall be subject to indictment in the superior court, and on conviction shall be fined not less than fifty nor more than two hundred dollars (said fine to be paid over to the treasurer of said town, and appropriated to the use of said town), or be imprisoned not to exceed six months, in the discretion of the court, and upon said conviction said officer shall be removed from office.

Officers. Sec. 9. Be it further enacted, That said mayor and aldermen shall have power and authority to elect such marshal and clerk and treasurer and other officers as they may deem necessary for the purpose of carrying into effect the provisions of this Act; and to prescribe the fees and pay of such subordinate officers, and to require such bonds for the faithful performance of the duties of such officers, as they may deem necessary and proper. They shall have power to suspend, remove from office, or punish them for a breach or neglect of duty, or to suspend or remove them from office for incapacity to discharge their respective duties, from any cause.

General powers of corporation. Sec. 10. Be it further enacted, That said corporation shall have and enjoy all the rights, privileges and powers incident to such corporations, not repugnant to the Constitution of the United States or the Constitution of this State; and said corporation by its mayor and aldermen shall have full power and authority to enact and enforce all ordinances, by-laws, rules and regulations necessary for the good government of said town, and securing the health of the inhabitants thereof, and that may be necessary to carry this Act into full force.

Mayor's court. Sec. 11. Be it further enacted, That the mayor or mayor *pro tem.* of said town shall hold a police court in said town at any time for the trial and punishment of all violators of their ordinances, by-laws, rules and regulations of said town; the punishment in-

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flicted not to exceed a fine of one hundred dollars and costs, or, in default of payment of said fine and costs, by labor on the streets of said town or public works of said town, not to exceed sixty days, or confinement in the common jail of said town not to exceed sixty days.

Sec. 12. Be it further enacted, That the mayor and other officers Salaries. shall receive such pay and compensation as the mayor and aldermen shall deem proper, but their compensation shall not be increased or diminished during their terms of office.

Sec. 13. Be it further enacted, That the mayor and aldermen Liquor, sale of. of the town of Lyons shall have the power to grant license to retail spirituous, ale or vinous and malt liquors, or any beverage or bitters that will produce intoxication, in any quantity in said town, to fix a fee for said license, and to impose penalties upon any person selling intoxicating liquors or beverages or bitters in said town without license; and said license shall not be less than that now of force in the county of Tatnall. They shall also have power to Police powers. license, regulate and control ten-pin alleys, billiard and pool tables, or to prohibit the establishment of said tables or alleys. They shall have full power and authority to license all livery stables, and all buggies, hacks, wagons, carts and drays and other conveyances kept for hire in said town, and fix such rules and regulations as they may deem necessary to govern any person engaged in carrying passengers in or out of said town for pay.

Sec. 14. Be it further enacted, That said mayor and aldermen Tax on property. shall have power to assess, levy and collect a tax not exceeding one-half of one per cent. upon all property, both real and personal, within the corporate limits of said town as they may deem necessary for the support and government of said town, and they shall have power to assess, levy and collect such tax on trades, business occupations, theatrical exhibitions or other performances, exercised, performed or exhibited within said town, and to fix and collect such tax on circuses, menageries and all shows of domestic or wild animals exhibited in said town. Said tax may be enforced by execution issued by the clerk in the name of the mayor of the town of Lyons.

Sec. 15. Be it further enacted, That the mayor and aldermen Removal of obstructions on streets, etc. of said town shall have full power and authority to remove or cause to be removed all buildings, porches, steps, fences, or other obstructions or nuisances in the public streets, lanes, alleys, sidewalks or public squares of said town; also to license, regulate and control all taverns, restaurants, boarding houses and public houses Police powers. in said town; to regulate all butcher pens, blacksmith shops, forges,

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stoves and chimneys within said town, and to remove, or cause to be removed, the same or any of them in case they should become dangerous or injurious to the health of any citizen of the town, or become nuisances; and also to fill up all pits and excavations in said town when the council shall deem necessary to be done; also full power to regulate and control all pumps, wells, livery stables, fire companies and engines, or any apparatus of like character within said town.

Gambling. Sec. 16. Be it further enacted, That the mayor and aldermen of said town shall have power to pass ordinances to prevent gambling in said town, and to impose penalties for the commission of the same.

Street tax. Sec. 17. Be it further enacted, That all males over the age of sixteen years and under the age of fifty, who have resided in said town ten days, shall be subject to work the streets and roads of said town, not exceeding fifteen days in each year, or to be taxed therefor, as the mayor and aldermen determine, as a commutation tax, not to exceed three dollars per year; and the mayor and aldermen shall have full power and authority to call out each and every male person within said town subject to street duty, who shall be compelled to do road and street duty according to the ordinances of said town, and the said mayor and council shall have power to punish defaulters by a fine of not more than two dollars per day for each day's default, and in default of the payment of said fine, to work upon the streets or public works of said town not less than ten or more than thirty days; or the said mayor and aldermen shall have the power to levy a tax in lieu of such road or street duty from all persons subject thereto, and said persons shall not be otherwise subject to road duty under the laws of this State.

Streets, how opened. Sec. 18. Be it further enacted, That the mayor and aldermen of said town shall have full power and authority to open and lay out, widen, straighten or otherwise change streets and alleys in said town. Whenever the mayor and aldermen shall exercise the power above delegated they shall appoint two freeholders, and the owner or owners of lots fronting on said streets or alleys shall, on five days' notice, appoint two freeholders, citizens of said town, who shall proceed to assess the damages sustained or advantages derived by the owner or owners of said lots in consequence of the opening, widening, straightening or otherwise changing said streets and alleys, and in case said assessors cannot agree, they shall elect a fifth freeholder, all of whom shall determine the issue. The assessors shall take an oath to faithfully discharge their duties as such, and either party shall have the right to enter an appeal from

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the finding of said assessors to the superior court of Tatnall county, under such rules as appeals are entered from the justice court to the superior court.

Sec. 19. Be it further enacted, That any officer of said incorporation who may be sued for any act done in his official capacity or character, may justify under this Act.

Sec. 20. Be it further enacted, That the mayor, or mayor *pro Mayor*
tem., when presiding at any meeting of the board of aldermen, or *pro tem.*
holding a police court, shall have power to punish for contempt,
by fine not exceeding five dollars, or imprisonment not exceeding
twenty-four hours, for each offense, or may imprison in the default
of the payment of said fine for twenty-four hours, in the discretion
of the officer presiding.

Sec. 21. Be it further enacted, That the mayor and aldermen *Streets, re-*
of said town shall have power to lay off, vacate, close, open, alter, *pairs of.*
curb, pave, drain, and keep in good order and repair roads, streets,
sidewalks, alleys, crosswalks, railroad crossings, drains, and gutters
for the use of the public; to protect divine worship; to regulate *Police*
the keeping of gunpowder and other combustibles; to fix and *powers.*
establish fire limits, and make such rules and regulations and pass *Fire limits.*
all such ordinances, and enforce the same, as they may deem neces-
sary for the proper enforcement of this Act.

Sec. 22. Be it further enacted, That the marshals of said town, *Ordi-*
the mayor or any alderman, may arrest, without warrant, any per- *nances,*
son guilty of a violation of any ordinance of said town, or any *enforce-*
person whom they may have reasonable grounds to suspect their *ment of.*
being guilty of violating any such ordinance, and bring the
offender or person suspected before the mayor or mayor *pro tem.* for
trial, and to this end may summon any of the by-standers a posse
to assist in such arrest. When brought before the mayor or *pro*
tem., a written or printed accusation shall be preferred against the
offender or person accused, in manner and form as follows: "State
of Georgia, Town of Lyons: I, —, marshal of said town, in
the name and behalf of the citizens of said town, charge and ac-
cuse you, —, of the offense of —, contrary to the laws of said
town, the peace, good order and dignity thereof, this the — day
of —, 189—," and shall be signed by the marshal, or deputy or
acting marshal, as prosecutor, and when such accusation is pre-
ferred, the same shall be sufficient authority to hold the accused
until final trial of the case; but the accused may give bond and
security to appear at such other time as the court may be adjourned
to, and in default of such bond being given, to be judged of by
the mayor or mayor *pro tem.*, the accused may be imprisoned to

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await trial. If such bond be given and the accused shall fail to appear at the time fixed for the trial, the bond may be forfeited by the presiding officer, and execution issued thereon by serving the defendant, if to be found, and his securities, with a rule *nisi*, at least five days before the time of hearing such rule *nisi*, to be signed by the clerk of council, bearing test in the name of the mayor.

*Fl. fas.,
how en-
forced.*

Sec. 23. Be it further enacted, That all writs, processes, subpoenas, rules *nisi* for the forfeiture of bonds, all executions issued in behalf of the town for the collection of taxes, fines, forfeitures, or for other purposes, shall be directed to the marshal of said town, and all and singular the sheriffs and deputies of this State, signed by the clerk and bearing test in the name of the mayor of said town, and such sheriffs and their deputies are empowered and required to serve and execute all writs, processes, warrants, executions, subpoenas, etc., issued as aforesaid, when the parties or property to be proceeded against are without the corporate limits of said town, and the marshal or deputy marshal shall serve and execute all processes, writs, warrants, executions, subpoenas, etc., issued as aforesaid, when the parties or property to be proceeded against are within the corporate limits of said town. Sales of personal or real property by the marshal or deputy marshal of said town to be made before the door of the council chamber in said town. In case of personal property, after ten days' notice of time and place of sale, the property to be sold, and the process under which sale is made. In case of real estate, same must be advertised and sold in the manner provided for sales of real estate, except as to place of sale, which shall be as aforesaid. Sales of personal property or real estate by sheriffs or their deputies shall be before the courthouse door of the county where the property to be sold is. In case of personal property, to be advertised by giving ten days' notice by posting same in three public places in said county; in case of real estate, by advertising, as provided by law in case of sheriff's sales. The deed to real property of the marshal or deputy, or sheriff or deputy, made in accordance with such sale, shall as effectually pass title to the purchaser as the same existed in the defendant; and the sale of personalty shall in like manner pass title to the purchaser. All judgments or executions issued under the provisions of this Act shall be a lien on and bind all property, both real and personal, of the defendant from date thereof, as executions from the courts of this State, and the law now of force relative to the record of executions issuing from the courts of this State shall be applicable to the executions issued in pursuance of

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this Act, and said executions shall rank and have precedence and bind all property as executions from the courts of this State, and the costs of proceedings shall be the same as for like proceedings in the superior courts of this State. Claims or illegalities may be interposed to such sales under the same rules and regulations as are fixed for their interposition now, or may be fixed in future, to proceedings in superior courts of this State, and all such claims or illegalities shall be returned to the first superior court of the county, where the proceedings are had, that sits twenty days after the interposition of such claim or illegality, and there tried as other claims or illegalities.

Sec. 24. Be it further enacted, That there may be an appeal from the decision of the mayor or mayor *pro tem.* to the board of aldermen, in all cases, and a majority of said board shall be sufficient to hear and determine such appeal. The appellant, before appealing must pay all cost and give a good bond with security, conditioned to pay the eventual condemnation money, and judgment may be entered upon such bond in the same manner as against appellees and their securities in appeals from the justice's court to the superior courts of this State when cost, or file an affidavit owing to his poverty he is unable to pay the costs and give bond as required by law; and there may be a *certiorari* to the superior court of Tatnall county in all cases from the decision of the board of aldermen, under the laws governing *certiorari*, to said court from the justices' courts in this State in all cases except the decision of council upon the assessment of property of tax-payers and defaulters of road or street duty.

Sec. 25. Be it further enacted, That the mayor or mayor *pro tem.* and any three aldermen shall form a quorum for the transaction of business, and a majority of the votes shall determine all questions before the council, and the mayor and the mayor *pro tem.* shall be to all intents and purposes justices of the peace so far as to enable them, or either of them, to issue warrants for offenses committed against the laws of this State within the corporate limits of said town, which warrants shall be directed and executed as provided elsewhere in this Act, and to commit to the common jail of Tatnall county, or to admit to bail, according to law, offenders for their appearance before the next superior court of Tatnall county, to await his or her or their trial; and it shall be the duty of the jailer of said county to receive all persons so committed and them safely keep until the same be discharged by due course of law.

Sec. 26. Be it further enacted, That all ordinances, rules and regulations passed by the mayor and aldermen shall, before becom-

Appeals
from decision of
mayor.

Mayor *ex officio* a justice of the peace.

Lyons, Town of, New Charter for.

Ordinances,
record and
publication of.

ing operative, be entered on the minutes or ordinance book of the council, and be published at least once in some newspaper having general circulation in said town, or be posted at two or more prominent places in said town.

Chain-
gang.

Sec. 27. Be it further enacted, That the mayor and aldermen of said town shall have power and authority to establish a chain-gang, to be worked upon the streets or at such other places in said town as they may direct, and to pass all ordinances necessary for the government and safe keeping, and may provide and punish for escapes in the same manner as for the violation of the ordinance for which such person was convicted.

Warrants
on treasurer.

Sec. 28. Be it further enacted, That the expenditures of the mayor and aldermen and the compensation of the town officers shall be paid out of the town funds by an order drawn by the clerk of the council upon the town treasurer and countersigned by the mayor or mayor *pro tem.*, out of the funds in the hands of the treasurer, who shall keep a book in which he shall make an entry of all sums paid out, and to whom and for what purpose; which book shall be at all times subject to the inspection of the mayor and aldermen of said town; and likewise shall entries be made of all sums of money paid into the hands of the treasurer by the provisions of this Act, and the same shall be a fund for the exclusive use of said town.

Registration of
voters.

Sec. 29. Be it further enacted, That the mayor and aldermen of said town shall have power to require registration of the legal voters of said town before the clerk of said town council, or such person as may be appointed by the mayor and aldermen, under such rules and regulations as they may prescribe.

How made.

Sec. 30. Be it further enacted, That the registrars, as provided for in section twenty-nine of this Act, shall open, at the office of the clerk of council, or such other place as may be designated by the mayor and aldermen for that purpose, on the first Monday in January in each year in which an election is held for the election of officers of said town, a list for the registration of the voters of said town entitled to vote for mayor and aldermen, which list shall be kept open every day, except Sunday, between the hours of nine a.m. and two o'clock p.m., from that day until the tenth day before the general election, when said list shall be finally closed, and it shall be the duty of the registrars, upon the application of any person entitled to vote as aforesaid, which application shall be made in person, to register the name of such person, and the registrars shall in every case before making the registration administer to the applicant the following oath: "You do swear or

Lyons, Town of, New Charter for.

affirm that you are a citizen of the United States; that you are twenty-one years of age or will be on the — day of —, 189 —; that you have resided in the State of Georgia for one year, and in the county of Tatnall, in the town of Lyons for six months immediately preceding the time of taking this oath, or will have so resided on the — day of —, 189 —; that you have paid all taxes which, since the adoption of the Constitution of 1877, have been required of you, and that you are not disfranchised from voting by reason of any offense committed against the laws of this State, and that you have paid all taxes required of you by the authorities of the town of Lyons;" and the registrars shall furnish the managers of said election with a copy of the registration list made out in alphabetical order before the polls are opened.

Sec. 31. Be it further enacted, That it shall be the duty of all tax-payers and owners of taxable property within said town, and they are hereby required to make annual returns under oath to the clerk of council, or to such other officer as the mayor and aldermen of said town may appoint for said purpose, at such time as said mayor and aldermen may limit, of all their taxable property, trades, business, occupation, or profession in said town, held in their own right or in the right of another; and in case any person or persons shall fail or refuse to make such returns, or shall make any returns deemed incorrect by the mayor, said mayor may assess the property of such person and may fix such value thereon as he may think correct and just. If any owner of property thus assessed shall be dissatisfied with the assessment so made he may appeal to the council of said town, who may make such reduction as to them may seem reasonable and just, and whose decision shall be final.

Tax re-
turns.

Sec. 32. Be it further enacted, That no person holding office under this charter shall, during the term for which he was elected or appointed, be capable of contracting with said town for the performance of any work which is to be paid for out of the treasury of said town; nor shall any person be capable of holding or having any interest in such contracts directly or indirectly.

Officers of
town can
not contract
with it.

Sec. 33. Be it further enacted, That the mayor and aldermen of said town shall have power to assess against telegraph, telephone, express, railroad companies and banks, and other corporations doing business, and the property of each in said town, a special license, extra or general tax, such as it is authorized to assess against individuals, or the property of individuals, and they are hereby authorized and empowered to collect such tax in the mode and manner authorized for the collection by said town of any other tax.

Assess-
ments
against
business-
corpo-
ra-
tions.

Sec. 34. Be it further enacted, That the mayor and aldermen

Lyons, Town of, New Charter for.

Railroad
crossings.

of said town shall have full power, whenever they may deem it necessary, to require railroads in said corporate limits to make crossings on their several roads, and to keep the same open for travel, and to pass all ordinances needful for the carrying out of the provisions of this section ; and in case such railroads shall fail or refuse to make said crossings when notified so to do, the mayor and aldermen shall have power to put the same across such railroads at the expense of said railroad, and they may issue executions therefor and levy and collect the same as is provided for in section twenty-three of this Act, in the matter of issuing, directing, levying and selling property of individuals.

Veto of
mayor.

Sec. 35. Be it further enacted, That the mayor or mayor, *pro tem.* while acting as mayor, shall have the right to vote upon all questions before the council when their said vote is a tie, and said mayor or mayor *pro tem.* shall also have the right to veto any measure passed by the council, which veto must be filed in writing five days after the passage of such measure, and be entered on the minutes of said council, and said measure shall not be effectual until passed over said veto by a vote of two-thirds of the council at the first or second regular meeting of council after said veto, and not thereafter.

Stock law.

Sec. 36. Be it further enacted, That the mayor and aldermen of said town shall have power to enforce the stock law as contained in sections 1774 and 1775, Code 1895 ; and the mayor and aldermen of said town shall have full power to provide for the taking up by any citizen or officer of said town, also the impounding of stock, regulating the costs and damages, and to pass and enforce all ordinances they may deem necessary and proper for the proper enforcement of this Act.

Repealing
clause.

Sec. 37. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 9, 1897.

MACON, EXTENSION OF CORPORATE LIMITS.

No 244.

An Act to amend the charter of the city of Macon by incorporating as a part of said city a portion of the territory of North Macon, the same being a portion of the lands recently connected with the city by the Spring street bridge crossing the Ocmulgee river, and containing about — acres, and more fully described by metes and bounds in said Act; to define the powers and duties of said mayor and council in said territory so incorporated, and for other purposes.

Section 1. Be it enacted by the General Assembly of this State, and it is hereby enacted by authority of the same, That ^{Macon.} from and after the passage of this Act the jurisdictional limits ^{Extension of corporate limits.} of the city of Macon shall be so extended as to embrace that part of the suburb known as North Macon described as follows: Beginning at the center of Ocmulgee river, thence along the western line of First street to its intersection with Flanders alley, thence in a westerly direction along said alley to its intersection with a branch or brook, thence in a northerly direction along the eastern bank of said branch or brook to its intersection with the original lot line which lies between lots fifty-four (54) and fifty-five (55) of the Thomas Woolfolk property, thence along said original lot line a distance of four thousand one hundred and ninety (4190) feet to the point where said line crosses Rocky branch, thence south $37^{\circ} 00'$, west 660 feet to Boulevard Baconsfield, where it joins Boundary avenue, then along Boundary avenue a distance of two thousand eight hundred and fifty (2850) feet to College street, thence along College street a distance of two hundred and seventy-five (275) feet, thence south 46° , east one thousand two hundred and forty (1240) feet to the south line of said boulevard, thence along the south and west side of said boulevard to the center of Ocmulgee river at the Spring street bridge, thence along the center of the Ocmulgee river to the north line of First street, the point of beginning.

Sec. 2. Be it further enacted, That it shall be unlawful at any time hereafter to sell or expose for sale any alcoholic, vinous or malt liquors within the territory incorporated by this Act; and the mayor and the council of the city of Macon shall have

Macon, Extension of Corporate Limits.

no authority at any time to license or permit the sale of said liquors within said territory, the said prohibition being a part of the consideration moving to said Act of incorporation.

Charter
amended.

Sec. 3. Be it further enacted, That the charter of the city of Macon appearing in the Act approved November 21, 1893, be amended as follows, to wit: That section eighty-seven of said Act, which reads as follows, be taken from said Act, and said entire section be, and the same is, hereby repealed: That territory contiguous to the corporate limits of the city of Macon may be incorporated as a part of said city by the consent of the mayor and council of the city of Macon and of a majority of the persons residing in the said territory qualified by law to vote for members of the General Assembly of the State. The property within the territory thus incorporated shall not be liable for taxation for the payment of any portion of the public debt of the city of Macon existing at the date of said incorporation; and all money realized by taxes assessed and levied upon property in said territory within ten years after the date of said incorporation shall be devoted exclusively to public improvements and to the expenses of police, water, fire protection and other necessary and proper municipal expenses within said territory. Said territory so incorporated shall be laid off into a ward or wards, as the mayor and council of the city of Macon shall determine, and for each ward so laid off in the said incorporated territory there shall be added two aldermen of the city of Macon, to be elected at the times and in the manner prescribed in this charter for the election of aldermen for the city of Macon. It shall be lawful for as many as fifty citizens residing within said territory sought to be incorporated to sign and file with the mayor and council of the city of Macon a petition for said incorporation as a part of the city of Macon, which shall particularly define the metes and bounds of said territory. If the mayor and council approve the same, said mayor and council shall have authority by resolution to order an election by the citizens within said territory qualified to vote as aforesaid, and to appoint from among the citizens a board of three managers, and to fix the time and place of said election. Said board of managers shall make out two lists of the voters at said election and two tally-sheets of the votes cast in said election, one of which lists and one of which tally-sheets shall be delivered to the mayor and council of the city of Macon, and the remaining list and tally-sheet shall be retained by said man-

Meigs, Charter of Amended.

agers. If upon examination of said list and tally-sheet it shall appear that a majority of the persons voting at said election have voted in favor of said incorporation, the said mayor and council shall so declare by resolution, and thereupon the mayor of said city shall issue and publish his proclamation declaring the said territory of the city of Macon subject to all the terms of this Act.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 15, 1897.

MEIGS, CHARTER OF AMENDED.

No. 237.

An Act to amend an Act to incorporate the town of Meigs, in Thomas county, and to provide for the election of mayor and council, marshal and clerk, and to define their powers and duties, by amending section 2, page 888, of the Acts of 1889, by extending the corporate limits of said town of Meigs to three-fourths of a mile from the depot site of Savannah, Florida and Western Railway Company in said town. That is: said corporate limits shall commence at the center depot site aforesaid and extend three-fourths of a mile north, south, east and west, so as to include all of the territory in every direction within three-fourths of a mile in the center depot site aforesaid, except all of that part of lot No. 141 in Mitchell county not now embraced in the corporate limits of said town of Meigs. Also excepting all of lot No. 8, in Thomas county, not now embraced in the corporate limits of the town of Meigs. Also excepting all of the land in lot No. 32, in Thomas county, belonging to R. T. Ranse, not now embraced in said corporate limits of the town of Meigs, which, after the passage of this Act, amendatory of said Act of 1889, shall be known as the corporate limits of said town.

Section 1. Be it enacted by the General Assembly of Georgia, That section 2 of the Acts of 1889, page 888, under the Acts of the General Assembly of Georgia incorporating the town of Meigs, charter of amended.

 Mountville, Town of Incorporated.

Corporate limits.

Meigs, be, and the same is, hereby amended so said section 2 of said Act, when amended, shall read as follows: That the corporate limits of said town be as follows: the corporate limits of said town shall extend three-fourths of a mile from the depot site of the Savannah, Florida and Western Railway Company in said town. That is, said corporate limits shall commence at the center of the depot site aforesaid and extend three-fourths of a mile north, south, east and west, so as to include all of the territory in every direction within three-fourths of a mile from the center of the depot site aforesaid, except all of that part of lot 141, in Mitchell county, not now embraced in the corporate limits of said town of Meigs. Also excepting all of lot No. 8, in Thomas county, not now embraced in the corporate limits of the town of Meigs. Also excepting all of the land in lot No. 32, in Thomas county, belonging to R. T. Ranse, not now embraced in said corporate limits of the town of Meigs, which, after the passage of this Act amendatory to said Acts of 1889, shall be known as the corporate limits of said town.

Repealing clause.

Sec. 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved December 15, 1897.

 MOUNTVILLE, TOWN OF INCORPORATED.

No. 147.

An Act to incorporate the town of Mountville, in the county of Troup, and to grant certain powers and privileges, and for other purposes.

Mountville incorporated.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act the town of Mountville, in the county of Troup, be, and the same is, hereby incorporated as a town under the name and style of Mountville.

Corporate limits.

Sec. 2. Be it further enacted by the authority aforesaid, That from and after the passage of this Act the corporate limits of the town of Mountville shall be as follows: Commencing at the southwest corner of lot No. 202, running west 2,203 feet to Rock, thence north 1,484 feet north line of the right of way of M. L. and B. R. R.; thence easterly direction along the right of way of M. L. and B. R. R 1,984 feet; thence north 1,100 feet to the line

Mountville, Town of Incorporated.

between lots 214 and 215; thence east 226 feet to original north-west corner lot 202; thence east 2,994 feet to northeast corner lot No. 202; thence south 664 feet; thence east 1,123 feet; thence south 1,988 feet to original line between lots 183 and 184; thence west 1,123 feet to southeast corner lot 202; thence west 2,994 feet to starting point.

Sec. 3. Be it further enacted by the authority aforesaid, That ^{Mayor and councilmen.} W. J. P. Trippe be, and he is, hereby appointed mayor, and E. W. Russell, Olin Carlton, Dr. P. W. Fitts and W. T. Evans be, and they are, hereby appointed councilmen of said town of Mountville, to hold their offices until the first annual election as hereinafter provided.

Sec. 4. Be it further enacted, That on the first Wednesday in ^{Election of.} July, 1898, and annually thereafter on the same day, an election shall be held in the council chamber in said town for mayor and three councilmen, who shall hold their offices for one year and until their successors are elected and qualified, but no one shall vote for or be eligible to the office of mayor or councilman of said town who is not a resident of said town and who is not qualified to vote for members of the General Assembly of this State. Said election shall be held and conducted in the same manner as elections for county officers in this State, and the certificate of the managers shall be sufficient authority to the persons elected to enter on the discharge of the duties of the offices to which they have been elected.

Sec. 5. Be it further enacted, That before entering on the dis- ^{Oath of.} charge of their duties the mayor and councilmen shall subscribe to the following oath, which may be administered by any person authorized by the laws of this State to administer oaths: "I do solemnly swear that I will faithfully discharge all duties devolving on me as mayor (or councilman, as the case may be) of the town of Mountville according to the best of my ability and understanding, so help me God."

Sec. 6. Be it further enacted, That said mayor and councilmen ^{Officers.} shall have power and authority to elect such marshals, clerks and other subordinate officers as they may deem necessary for carrying into effect the powers herein conferred upon them, to prescribe the fees and duties of such subordinate officers, and require such bonds for the faithful performance of their duties as they may deem necessary and proper.

Sec. 7. Be it further enacted, That the mayor shall have full ^{Mayor, powers of.} authority to issue warrants for any offense committed within the corporate limits of said town, and shall have power to compel the

MOUNTVILLE, Town of Incorporated.

attendance of witnesses, to examine them under oath, to admit any offender to bail or commit him to jail for violation of the laws of the State, and to admit to bail or commit to the guard-house for violation of the ordinances of said town.

Powers of
council.

Sec. 8. Be it further enacted, That said mayor and councilmen shall have full power and authority to pass all ordinances and by-laws that they may deem necessary for the government of said town; *provided*, they be not repugnant to the Constitution and laws of this State or of the United States.

Sec. 9. Be it further enacted, That said mayor and councilmen shall have power to levy and collect a tax not exceeding three-tenths of one per cent. upon all the property, both real and personal, within the corporate limits of said town; they shall also have power to require all persons within said corporate limits, who are subject to road duties under the laws of this State, to work on the streets of said town, or they may prescribe a commutation tax which may be paid in lieu of work on the streets.

Tax.

Sec. 10. Be it further enacted, That the mayor and council of said town shall have authority to impose and collect a special tax or license upon all kinds of business callings, professions, or occupations carried on within the corporate limits of said town; also to regulate and control the conduct of peddlers and itinerant traders within the limits of said town, by taxation or otherwise, and also to tax theatrical performances, exhibitions and shows of any kind whatever in said town, except such peddlers, traders and shows, professions and business as are exempt from taxation under the laws of the State.

Liquor,
sale of pro-
hibited.

Sec. 11. Be it further enacted, That the keeping for sale, selling or offering for sale, or giving away spirituous, vinous, malt or intoxicating liquors, or any other intoxicating beverage whatsoever, within the corporate limits of said town, shall be, and is, hereby prohibited forever, and the mayor and council of said town shall have no power or authority to license the sale thereof, and any person violating the provisions of this section shall be fined one hundred dollars and imprisoned in the place of imprisonment of said town for the term of sixty days, or be compelled to work on the streets or public works of said town for a term of ninety days.

Mayor,
duties of.

Sec. 12. Be it further enacted, That the mayor of said town, and in his absence the mayor *pro. tem.*, who shall be elected by the councilmen from their own number, shall be the chief executive officer of said town. He shall see that ordinances, by-laws, rules and orders of the council are faithfully executed. He shall have control of the police of said town, and may appoint special police

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whenever he may deem it necessary, and it shall be his duty especially to see that the peace and good order of the town are preserved and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in said town. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of immediate payment thereof he may imprison the offender in the guard-house of said town not exceeding sixty days, or compel said offender to work on the streets or public works of said town for a term of not exceeding ninety days.

Sec. 13. Be it further enacted, That if at any time the office of mayor or councilman shall become vacant by death, resignation or otherwise, the remaining members of the council shall order an election to fill such vacancy; *provided, however,* if such vacancies occur within three months of the expiration of the time for which the members were elected, there shall be no election ordered, unless such vacancies shall leave the council without a quorum. Vacancies.

Sec. 14. Be it further enacted, That the mayor and council shall have the authority to establish a free school system and order an election of a board of education, which shall consist of three persons, residents of said place, who shall make such rules and regulations necessary for the proper government of said free-school system; to fix the length of the school term, which shall not exceed ten months in each year, the compensation which shall be paid to the teacher, and the charges against non-resident pupils who attend said school for tuition. They shall elect a principal and such assistants necessary for the proper instruction of pupils who may attend said school, and, with the consent of the council, to fix the rate of salary paid to them for services rendered to said school. The board of education shall make such rules and regulations necessary for the proper government of said free school, not inconsistent with the laws of this State relative to the school system. The board of education shall receive all donations of property, money or other valuables, and pay the same to the town treasurer, who shall be the treasurer of said board and shall pay out on the order of said board of education all funds which may be in his hands for the purpose of education, to purchase such material or apparatus necessary for the proper equipment of said free school. Schools.

Sec. 15. Be it further enacted, That the county school commissioner shall pay to the treasurer of said town all money due for educational purposes. He shall furnish the commissioners with a School fund.

 Mountville, Town of Incorporated.

list of all pupils attending said free school who are entitled to the school fund, and shall receive the same from him and pay the same out on order of the board of education, with the consent of the council, only for educational purposes.

Tax for
schools.

Sec. 16. Be it further enacted, That the mayor and council shall have authority to levy a tax for school purposes on all property, real and personal, not to exceed one-half of one per centum per annum, which may be used for school purposes, and shall be collected when the other taxes of said place are collected by the town tax-collector.

Election
for free
schools.

Sec. 17. Be it further enacted, That before a free-school system be adopted by said town of Mountville, the mayor shall order an election to be held in said town, under the same laws governing elections in our State; that all the qualified voters in said corporate limits shall have the right to vote for or against the free school of said town of Mountville. The mayor shall advertise the same thirty (30) days, calling for an election, in which every citizen legally qualified to vote shall have the right to vote for or against the free school. The polls shall be opened and closed the same as in the election of city officers, and it shall take a two-thirds ($\frac{2}{3}$) vote of all the votes cast in said election before the mayor and council shall organize a free-school system for said town of Mountville; *provided*, there shall not be another election held within six months for school purposes, if at the holding of said election for school purposes it fails to receive the necessary two-thirds vote, as required by law.

School
buildings.

Sec. 18. Be it further enacted, That the board of education shall have the right to erect such buildings necessary and equip them with such material necessary for the instruction of all pupils within the school age who live in said corporate limits, and keep in repair all buildings used for school purposes, or which may be hereafter erected or purchased for such purposes.

Repealing
clause.

Sec. 19. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved November 29, 1897.

NEWTON, CHARTER OF AMENDED.

No. 245.

An Act to amend an Act incorporating the town of Newton in Baker county, Georgia, approved January 20th, 1872, so as to extend the corporate limits of said town; to enlarge and increase the jurisdiction and powers of said municipal corporation, and to prescribe the duties of the officers thereof; to provide for a system of taxation, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That the above recited Act incorporating the town of Newton in Baker county, Georgia, approved January 20th, 1872, be, and the same is, hereby amended as herein-after provided. Newton,
charter of
amended.

Sec. 2. Be it further enacted by the authority aforesaid, That the corporate limits of said town of Newton be extended and enlarged to one mile north, east and west from the court house in said town, and to the west bank of the Flint river on the south of said town. Corporate
limits.

Sec. 3. Be it further enacted by the authority aforesaid, That for the purpose of raising revenues for the said town the mayor and council thereof shall assess an annual and *ad valorem* tax of not exceeding one-half of one per cent. on all the taxable property in said town, which tax shall be paid on or before the first day of October in each year, on which day the mayor shall issue *fi. fas.* against all defaulters, which shall be placed in the hands of the marshal of said town, to be by him collected and enforced in the same manner as *fi. fas.* for State and county Tax on
property.

Collection
of. taxes are enforced by the sheriffs and constables of this State.

Sec. 4. Be it further enacted by the authority aforesaid, That said town council be authorized to levy and collect an annual street or commutation tax not exceeding \$3.00 per annum upon each and every male inhabitant of said town who, under the laws of this State, is subject to road duty, which tax shall be paid to the marshal of said town (as other taxes are) by the first day of October in each year, and if not promptly paid by said day, said defaulter shall be arrested by the marshal and brought before the mayor and fined not more than \$10.00, imprisoned not more than twenty days in the guard-house or calaboose, or worked on the streets of said town not more than Street tax.

Collection
of.

Newton, Charter of Amended.

thirty days, and any one or more of these punishments may be inflicted in the discretion of the mayor or chairman of council.

Streets.

Sec. 5. Be it further enacted by the authority aforesaid, That said town council shall have full power to keep in good order and repair all roads, streets, alleys, sidewalks, cross-walks, squares, drains and gutters in said town, for the use of the public or any citizen thereof, and to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance.

Mayor,
power of.

Sec. 6. Be it further enacted by the authority aforesaid, That the mayor or chairman of council of said town shall have the power to punish for contempt by a fine of not more than \$5.00, or imprisonment not more than five days.

Liquor,
sale of.

Sec. 7. Be it further enacted by the authority aforesaid, That said town council shall have power and authority to regulate and control the sale of intoxicating liquor within said town, to impose a license fee or tax upon every dealer therein, and shall issue a license to all persons before they shall be authorized to engage in the sale of such liquors in said town; the tax or license fee imposed upon such dealers shall in no case be more than \$5.00 per annum, said council having the right to prescribe the time and manner of paying such license fee or tax.

Tax on
business.

Sec. 8. Be it further enacted by the authority aforesaid, That said council is hereby authorized to provide for the levy and collection of a special or business tax upon all kinds of business and vocations carried on within said town of Newton; *provided*, such tax shall not exceed \$20.00 per annum upon such business or vocation.

Sec. 9. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

OAKLAND CITY, CHARTER OF AMENDED.

No. 229.

An Act to change the corporate limits of the town of Oakland City; to confer certain other jurisdictional powers on the municipal government thereof, and for other purposes, amending Acts of 1894, page 175, chartering the town of Oakland City.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That section 2 of the Acts of 1894, page 175, the charter of Oakland City, be amended by striking out therefrom the following territory, viz.: All that territory from the north end of said limits of Oakland City lying north of the south side of Pearce avenue and north of the H. B. Plant 4-acre lot and north of a line across the way of the Central railroad, at right angles from the northwest corner of said Plant lot, so that said section, when amended, shall read as follows, viz.: Section 2. That the corporate limits of said town shall be as follows: beginning at the intersection of the north line of the H. B. Plant 4-acre tract with the way of the Central railroad, thence at right angles to said way, across the same to the Murphy land, thence south along the last of said land to the southeast corner of the same, thence west along the south side of said Murphy land to a point one-half mile west from the center of the Central railroad track, thence south parallel with said railroad track to the west side of the gate on the north side of the United States army post, known as Fort McPherson, thence east along the north line of said Fort McPherson land to its northeast corner, thence south along the east side of said land to a point opposite the south line of H. L. Haralson's land, thence east across the Central railroad to a point one-fourth mile east of same, thence north parallel with said railroad track to a point opposite the south side of Pearce avenue, thence to and along the south side of Pearce and the north line of the H. B. Plant 4-acre tract to the beginning point;" *provided, always, that said town shall retain full right and power to collect and enforce the payment of all municipal taxes from said territory hereby cut off for the year 1897.*

Sec. 3. That the following section be added to said charter, viz.: That jurisdiction for police and sanitary purposes and the arrest of all offenders escaping beyond the corporate limits of

Ocilla, Town of Incorporated.

said town, shall extend one-half mile beyond said limits on every side, except where in conflict with the jurisdiction of the city of Atlanta and of the United States.

Approved December 15, 1897.

OCILLA, TOWN OF INCORPORATED.

No. 137.

An Act to incorporate the town of Ocilla, in the county of Irwin, State of Georgia; to provide for a mayor, councilmen, recorder and other officers of said town; to authorize the officers and corporate authorities of said town to exercise such powers and do such things as may be necessary for the best interest, benefit, peace, good order, health and general welfare of said town and inhabitants thereof; to confer other and additional powers and authority upon such officers and authorities; to authorize the corporate authorities of said town to pass and enforce proper rules, by-laws and ordinances for the government of said town; to authorize punishment for any violation of said rules, by-laws and ordinances; to regulate or prohibit the sale of spirituous and intoxicating liquors, and license the same, and impose penalties for selling the same without license in said town; to repeal an Act entitled an Act to prohibit intoxicating liquors in Irwin county, approved the 26th day of September, in the year one thousand eight hundred and seventy-nine, so far as the same relates to the territory included in the corporate limits of said town, and for other purposes.

Ocilla,
town of in-
corporated.

Section 1 Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the town of Ocilla, in the county of Irwin, be, and the same is, hereby incorporated under the name of the town of Ocilla; that the municipal government of the town of Ocilla shall be vested in a mayor, councilmen and recorder, who are hereby constituted a body corporate, under the name and style of the town of Ocilla, and by that name and style shall have perpetual succession, and shall have a common seal, and shall be capable in equity and law to purchase, have, hold, and receive and retain to them and their successors, for the use of the town of Ocilla, any estate, real or personal, of whatever kind or nature, and shall, by the same name, be capable to sue and be sued in any court of law and equity in this State; to sell, alien or lease

Ocilla, Town of Incorporated.

any estate, real or personal, the property of or belonging to said corporation, or to convey the same or any part thereof in any manner or way whatever; that the corporate limits of the town of Ocilla include all of lot of land No. 42, in the State of Georgia, Irwin county, and fifth district; also to include the following tract of land shown on the map of Ocilla, and bounded as follows: On the north by Eighth street, on the east by lot of land No. 42, on the south by Fourth street, on the west by Alder street.

Sec. 2. Be it further enacted by the authority aforesaid, That John C. Luke be, and he is, hereby appointed mayor of said town; D. H. Paulk, W. M. Harris and G. L. Stone, be, and are, hereby appointed aldermen of said town; M. J. Paulk be, and is, hereby appointed recorder of said town, to hold their offices until the first election of mayor, councilmen and recorder of said town, on the first Tuesday in January, eighteen hundred and ninety-nine, until their successors are elected and qualified; the above named officers to enter upon the duties of their offices immediately after the passage of this Act; and that on the first Tuesday in January, eighteen hundred and ninety-nine, and annually thereafter, elections for one mayor, three councilmen, one recorder, shall be held, who shall hold their offices for one year, and until their successors are elected and qualified. All persons residing within the corporate limits next preceding any election, and who are duly qualified electors of said State, shall be deemed electors of said town; said elections shall be held and conducted in the same manner as elections for county officers in this State, and the certificate of the manager shall be sufficient authority to persons elected to enter on the discharge of their duties as such mayor, councilmen and recorder.

Sec. 3. Be it further enacted by the authority aforesaid, That the town council shall by ordinance fix and determine the amount of the salaries and compensations of all town officials and the time the same shall be paid.

Sec. 4. Be it further enacted by the authority aforesaid, That the recorder shall have attained the age of twenty-one years. He shall receive such salary as the town council may by ordinance provide; *provided, however*, that for his services as committing magistrate under the laws of the State to justices of the peace for like services, he shall have exclusive jurisdiction, and it shall be his duty to hear, try and determine all offences against the ordinances of the town; *provided*, that all fines, penalties and forfeitures for the violation of any town ordinances shall, when collected, be paid by the officer receiving the same into the town treasury.

Sec. 5. Be it further enacted by the authority aforesaid, That

Ocilla, Town of Incorporated.

Recorder's
warrant for
arrest.

whenever complaint shall be made to the recorder upon oath or affirmation of any person competent to testify against the accused that an offense has been committed of which the recorder has jurisdiction, such recorder shall forthwith issue a warrant for the arrest of the offender, which warrant shall be served by the chief of police, or by some person specially appointed by said recorder for such purpose, or may be served by the sheriff, or any lawful constable of the county.

Recorder's
court.

Sec. 6. Be it further enacted by the authority aforesaid, That when any person shall be brought before the recorder it shall be his duty to hear and determine the complaint alleged against the defendant. Upon good cause such recorder may postpone the trial of the case to a day certain, in which case he shall require the defendant to enter into a bond with sufficient security conditioned that he will appear before the recorder at the time and place appointed and there answer the complaint.

Same.

Sec. 7. Be it further enacted by the authority aforesaid, That it shall be the duty of the recorder to summon all persons whose testimony may be deemed material as witnesses on the trial, and enforce their attendance by attachment if necessary, and when a trial shall be continued by the recorder he may verbally notify such witnesses as may be present in court to attend before him to testify in the cause set for trial, and such verbal notice shall be valid as a summons.

Same.

Sec. 8. Be it further enacted by the authority aforesaid, That all preliminary hearings before the said recorder, for offenses arising under the laws of this State, shall be governed by the criminal procedure applicable to justice courts in like cases.

Same.

Sec. 9. Be it further enacted by the authority aforesaid, That in all trials for offenses under the ordinances of said town, if the defendant is found guilty, said recorder shall render judgment accordingly. It shall be a part of the judgment that the defendant stand committed until judgment be complied with, in no case to exceed one day for every one dollar of fine and cost assessed against the defendant, and no fine shall exceed one hundred dollars together with costs.

Recorder's
court, when
open.

Sec. 10. Be it further enacted by the authority aforesaid, That said recorder shall be conservator of the peace, and his courts shall be open every day except Sundays, and he shall have power to bring parties forthwith before him to trial, and no act shall be performed by him on Sunday except to receive complaints, issue process and take bail.

Sec. 11. Be it further enacted by the authority aforesaid, That

Ocella, Town of Incorporated.

the recorder shall have power to enforce due obedience to all orders, rules, judgments and decrees made by him, and he may fine or imprison for contempt offered to him or his court while holding court, or process issued or orders made by him, in the same manner and to the same extent as provided for in justice courts. The recorder shall be in attendance at his office at such *reasonable* hours as the city council may prescribe, and complaints may be made to and writs and process issued by him at all times in court or otherwise. In all cases not herein specially provided for the process and proceedings in said court shall be governed by such rules and regulations as may be prescribed by council.

Recorder,
powers of.

Sec. 12. Be it further enacted by the authority aforesaid, That all actions brought to recover any fine or to enforce any penalty under any ordinance of the town, shall be brought in the corporate name of the town as plaintiff; all fines and forfeitures for the violation of ordinances when collected, and all moneys collected for license or otherwise shall be paid into the treasury of the town at such time and in such manner as may be prescribed by ordinances.

Fines, how
collected.

Sec. 13. Be it further enacted by the authority aforesaid, That any person upon whom any fine or penalty shall be imposed may, upon the order of the court before the conviction is had, be committed to the county jail, town prison, work-house, house of correction, or other place provided by the town for the incarceration of offenders, until such fines, penalty and cost shall be paid. The town council shall have power to provide by ordinance that every male person over eighteen years of age when so committed shall be required in default of payment of fine to work for the corporation at such labor as his strength will permit, not exceeding ten hours each working day.

Custody of
accused.Public
work.

Sec. 14. Be it further enacted by the authority aforesaid, That the mayor, together with the council, shall have power to regulate and control the police of said town; also to elect such marshals, clerks and other subordinate officers as they may deem necessary for carrying into effect the power herein conferred upon them; to prescribe the fees and duties of such subordinate officers and require such bond for the faithful performance of their duty as they may deem necessary and proper.

Police and
officers.

Sec. 15. Be it further enacted by the authority aforesaid, That said incorporation shall have and enjoy all the rights, privileges and powers incident to such corporations not in conflict with the Constitution of the United States, the Constitution of this State, and the laws made in pursuance thereof; and said corporation by its mayor and councilmen shall have full power and authority to

Corporate
powers.

Ocilla, Town of Incorporated.

enact all ordinances, by-laws, rules and regulations necessary for the good government of the said town, and securing the health of the inhabitants thereof.

Tax on
property.

On busi-
ness.

Street tax.

Sec. 16. Be it further enacted by the authority aforesaid, That said mayor and councilmen shall have power to levy and collect a tax upon all property, both real and personal, within the corporate limits of said town. They shall have the power and authority to license, regulate or prohibit all shows. To collect a special tax from all persons, firms or corporations following or carrying on any profession as trade, business, calling or avocation in said town, and to pass ordinances for the abatement of nuisances, and to lay out streets and to regulate the width and length of same. They shall also have power to require all persons within said corporation who are subject to road duty under the laws of this State to work on the streets of said town, or they may prescribe a commutation tax which may be paid in lieu of said work on said streets, and shall have power to imprison any defaulter who fails or refuses to work on said streets when required, in the guard-house in said town, not exceeding three days for each day he refuses to work.

Liquor,
sale of.

Sec. 17. Be it further enacted by the authority aforesaid, That the Act prohibiting the sale of intoxicating liquors in Irwin county, approved September twenty-sixth, eighteen hundred and seventy-nine, be, and the same is, now repealed so far as the same relates to the territory included within the corporate limits of said town, and the mayor and councilmen shall have the power to regulate and license the same and impose penalties for selling the same without license.

Mayor,
powers of.

Sec. 18. Be it further enacted by the authority aforesaid, That the mayor of said town, and in his absence the mayor *pro tem.* (who shall be elected by the councilmen from their number), shall be chief executive officer of said town. He shall see that all ordinances, by-laws, rules and orders made by said mayor and councilmen are faithfully executed; and he shall deem it his duty especially to see that the peace and good order of the town is preserved, and the persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in said town. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment of the same, and in default of immediate payment he may imprison the offender in the guard-house of said town.

Sec. 19. Be it further enacted by the authority aforesaid, That

 Pepperton, Town of Incorporated.

if at any time the office of mayor, councilmen and recorder shall become vacant by death, resignation or otherwise, the remaining members of the council may fill such vacancy by appointing any citizen of said town eligible to such office. Vacancies.

Sec. 20. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. That Repealing clause.

Approved November 24, 1897.

 PEPPERTON, TOWN OF INCORPORATED.

No. 145.

An Act to incorporate the town of Pepperton, in Butts county, Georgia; to provide for a mayor and council and to prescribe their powers and duties, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the following shall be taken and received as the charter of the town of Pepperton, Butts county, Georgia. Pepperton, charter of.

Sec. 2. Be it further enacted by the authority aforesaid, That the corporate limits of said town shall be as follows: Beginning at a small tree at the northeast corner of lot belonging to Pepperton Cotton Mills, adjoining lot of Jennie Fitch, and running west eighty-two rods, thence south sixty-six (66) rods, thence east eighty-two (82) rods, thence north sixty-six (66) rods, to starting point. Corporate limits.

Sec. 3. Be it further enacted by the authority aforesaid, That the municipal government of said town shall consist of and be vested in a mayor and four councilmen, to be elected as herein-after prescribed; that they and their successors are hereby constituted a body corporate under the name and style of the mayor and council of the town of Pepperton; that they shall have perpetual succession, shall have a common seal, sue and be sued in their corporate name of mayor and council of the town of Pepperton; to purchase, have, hold, receive, enjoy and retain for the use of said corporation any property, real or personal; that they contract and be contracted with in their corporate name, and that they may dispose of such property by public or private sale that they may have previously pur- Government of.

Pepperton, Town of Incorporated.

chased; that they may receive gifts of property to said town and dispose of same by sale or otherwise.

Mayor and councilmen, election of.

Sec. 4 Be it further enacted, That the mayor shall be elected on the first Thursday in May of the year 1898 and biennially thereafter on the same date. Annually on the first Thursday in May of each year after the passage of this Act two councilmen shall be elected, except as hereinafter provided, and any persons shall be eligible to the office of mayor or councilman, and shall be entitled to vote in said election, who are twenty-one years old and shall have paid all municipal taxes previously legally required of them, and who have resided within the corporate limits of said town for sixty days next preceding said election, and who have previously registered for said election as hereinafter provided, and resided in the State twelve (12) months and the county six months preceding said election; *provided*, that J. L. Asbel be, and he is, hereby appointed mayor of said town, to hold the said office until the first Thursday in May, 1898, when there shall be an election held for the election of his successor, to hold said office for two years; and there shall be an election for the office of mayor every two years after that date and time as hereinbefore provided; that W. T. Ellis and J. D. Lewis are hereby appointed councilmen of said town, to hold their office each till the first Thursday in May, 1898, when there shall be an election held for the election of their successors to hold said office of councilmen for two years from their election, when their successors shall be biennially elected as hereinbefore provided; that W. M. Harper and J. R. Thomas are hereby appointed councilmen of said town, to hold their office each until the first Thursday in May, 1899, when there shall be an election held for the election of their successors, to hold said office of councilmen for two years from their election, when their successors shall be biennially elected as hereinbefore provided.

Appointment of.

Elections, how held.

Sec. 5. Be it further enacted, That there shall be two electors appointed, who shall be appointed by the mayor five days before the said election, who shall superintend said election, and shall take the following oath, the same to be administered one to the other: "I will suffer no one to vote at this election who has not met the requirements of an elector under the charter, by-laws and ordinances of the town of Pepperton, but will allow all who are eligible to vote for the candidate or candidates of his choice, and keep the secrecy of each elector's ballot forever inviolable." This oath shall be binding, and a

Pepperton, Town of Incorporated.

violation of the same shall subject the violator to a punishment as for a misdemeanor or in the State courts.

Sec. 6. Be it further enacted, When the polls of the election closes the superintendents, with the assistance of such clerks as they may engage, shall count each ballot received by each candidate and credit the same to the candidate who received the vote, and make a return of the said count to the mayor and councilmen the day following said election at noon; the ballots shall be carefully sealed up by the superintendents and delivered to the mayor and councilmen when the return of the count is made, and the name of each superintendent shall be written across the seal, and the said ballots thus sealed up shall be filed with the clerk of the council, and he shall keep the same on file thirty days, and if no contest to said election in said time, then the mayor, in the presence of the public, shall, at noon of the thirtieth day after said election, burn said ballots without breaking the seals on the same, The candidate receiving the highest number of votes shall be declared elected by the mayor and sworn in by the mayor; if the candidate be the mayor-elect, any member of the council can swear said candidate. The mayor and each councilman shall subscribe to the following oath: "I will faithfully discharge my duty as an officer of the town of Pepperton and support the Constitution of the State and of the United States, so help me God."

Election returns.

Sec. 7. Be it further enacted, In the event from any cause no election is held as prescribed by this Act, the mayor and councilmen then acting shall hold over until their successors are elected and duly qualified. If for any reason, from death or resignation or a tie vote, an election has to be held on a day other than the regular election day as prescribed by this Act, the mayor (or council if no mayor) shall order the same and give ten days' notice by posting at two or more public places in the corporate limits of said town.

Mayor and councilmen hold over.

Sec. 8. Be it further enacted, That ten days before each election the clerk of the council and treasurer shall open a registration book for the registration of the qualified voters of the said town, and the said book shall be kept open for seven days; said book shall be open from eight o'clock a. m. until nine o'clock p. m. of the seventh day after opening. All the male citizens of said town who reside within the corporate limits shall be allowed to register his name in person, or by the clerk or treasurer if he is unable to write, and shall state his age, occupation and the time he has resided in the said town. After

Registration of voters.

 Pepperton, Town of Incorporated.

the book for registration has ceased it shall be returned to the mayor and council, who shall go over said book and take from the same the names of those persons not eligible and qualified voters under the requirements of section four of this Act, and shall cause said persons to appear before them and show good cause why their names should not be stricken from the registration book. The mayor and council shall call to their assistance in purging said registration list of illegal voters the tax-collector, treasurer and clerk of the town, and they shall assist in said work. No name shall be purged from said list who will take the following oath, the same administered by the mayor or any councilman: "I do solemnly swear that I am a citizen of the United States; that I will have resided in the State of Georgia for twelve months and the county of Butts for six months and the corporate limits of the town of Pepperton sixty days next preceding the date of the election for which I have registered; that I am twenty-one years old, or will be before said election for which I have registered, and that I have paid all taxes due the town of Pepperton previously legally required of me by the authorities of said town, so help me God."

False swearing.

Sec. 9. Be it further enacted, Should any person falsely swear in taking the oath required in section eight of this Act, he shall be subject to prosecution in the State courts for the offense of false swearing. Any person illegally voting in any election in said town shall, on conviction in the State courts, be dealt with as for a misdemeanor.

Corporate powers.

Sec. 10. Be it further enacted, That the mayor and council shall have power to pass all laws and ordinances that they may deem necessary for the good of the government of said town, the protection of the life, health, liberty, security and property of the inhabitants or non-residents of said town; that the said ordinances may be enforced by fine, imprisonment and work on the streets of said town, after trial and conviction before the court hereinafter provided.

Mayor, powers of.

Sec. 11. Be it further enacted, That the mayor of said town of Pepperton shall be the executive officer of said town, and, in his absence, the mayor *pro tem.* (who shall be elected by the council from their number). He shall see that all laws, ordinances, regulations and rules of the said town council are faithfully executed. He shall have authority to try offenders of the rules, regulations, laws and ordinances of said town, and may impose fines not to exceed one hundred dollars, or to sentence any offender against the laws or ordinances of said town to be

Pepperton, Town of Incorporated.

confined in the guard-house of said town, or to be required to work upon the streets or public works of said town, or let to a private individual for any time not to exceed six months, or both, in his discretion, whenever they have violated any of the laws, by-laws, rules or orders or ordinances of the said town. Any person sentenced by the mayor shall have the right of appeal to the council, who shall have the right to sustain the mayor or discharge the defendant, or lessen the sentence or increase the same.

Sec. 12. Be it further enacted, That the said mayor and council shall have power to levy and collect a tax not to exceed the amount allowed to be levied under the Constitution and laws of this State upon all property, real or personal, within the corporate limits of said town, except as hereinafter provided, and the same shall be enforced by executions issued by the clerk of the said town in the name of the mayor; and all levies to be made by the marshal of said town, and all sales to be made by the marshal, and to be made and conducted in the same way and manner as sheriff's sales under executions. Tax on property.

Sec. 13. Be it further enacted, They shall also have power to require all persons within the corporate limits, who are subject to road duty under the laws of this State, to work the streets of said town at such time as in their opinion is needful, or they may prescribe a commutation tax, which may be paid in lieu of work upon the streets of said town. Street tax.

Sec. 14. Be it further enacted, That the mayor and council of the said town shall have authority to lay out and open streets and alleys for the public use, and to that end may purchase, receive or condemn property of private individuals. Said mayor and council shall also have authority to change streets heretofore opened and laid out, and to this end may purchase, receive or condemn property. Streets.
how
opened.

Sec. 15. Be it further enacted, That the said mayor and council, at their first meeting after the passage of this Act, and at their first meeting after each regular annual election, shall elect a clerk, treasurer and tax-collector, from among their own number or from the citizens of said town, and they shall require of said officers-elect to give to the mayor and councilmen a bond approved of by the mayor, in an amount fixed by the mayor and council, said bond to be made payable to the mayor of the town, conditioned for their faithful performance of duty, said bond to be approved of by the mayor. Said bond shall also cover damage done any person by the acts of said Officers.

Pepperton, Town of Incorporated.

marshal giving said bond, wherein the town is not liable or sueable. The amount of the bond or bonds of the marshals shall not be less than twenty-five dollars each, but may be fixed at a higher sum by the mayor and council. The bond thus given may be sued on by any person in the name of the mayor for the use of the plaintiff for damages sustained.

Tax on
business.

Sec. 16. Be it further enacted, That the said mayor and council shall have authority to tax all shows, auctioneers, sleight-of-hand performers, gift enterprises, pool and billiard tables, wheels of fortune and other like enterprises, and all business, trades, callings and establishments in said town, as they may deem proper and just, provided the same is uniform and not repugnant to the Constitution and laws of this State; *provided*, that no manufacturing enterprises of any kind shall be required to pay any special or business tax; nor shall the plant, factory house in which the machinery is operated, or the machinery of any manufacturing enterprise be subject to any kind of municipal taxation. All property owned by manufacturing enterprises in said town, not actually used for manufacturing purposes, shall be subject to taxation.

Factories
exempt.

Liquor,
sale of pro-
hibited.

Sec. 17. Be it further enacted, That the sale of vinous, malt, intoxicating liquors, or wine, cider, malt ale, hopoline, white hops, or any beverage which, if drank to excess, will produce intoxication, is forever prohibited. Nor shall any person within the corporate limits of said town give, furnish or lend to another any of said drinks. Any person or persons violating this section shall be guilty of a misdemeanor and punishable for such in the State courts.

Mayor *ex
officio* a jus-
tice of the
peace.

Sec. 18. Be it further enacted, That the mayor shall be bound to keep the peace and shall be an *ex officio* justice of the peace, so as to enable him to issue warrants for violations of the criminal laws of the State committed within the corporate limits of said town, and shall have full power on examination to commit the offenders to the common jail of the county of Butts, or to bail them, if the offense is bailable, to appear before the court having jurisdiction to try said offenders.

Tax re-
ceiver and
collector.

Sec. 19. Be it further enacted, That the tax-collector of said town shall be the tax-receiver, and shall at the time when the tax-receiver of the county of Butts opens his books to receive the tax returns of persons who own property within the limits of said town and should said tax-collector be dissatisfied with the valuation placed upon any property returned, he shall refuse to receive the same at the valuation placed upon it and

Perry, Act Authorizing Bonds for Waterworks Repealed.

shall refer the matter to the mayor and council, who shall pass upon the valuation of said property; *provided*, the owner of the same shall have notice to appear before the mayor and the council, and shall offer any evidence he desires towards arriving at the true value of the property to be returned.

Sec. 20. Be it further enacted, That the mayor's salary at no Salaries. time shall exceed the sum of fifty dollars per annum, and the clerk and treasurer and tax-collector shall receive not exceeding twenty-five dollars per annum; the councilmen to serve without salary; that the marshal shall receive such a per cent. of fines as shall be agreed upon by the mayor and councilmen, in lieu of salary. The salary of the mayor, clerk, treasurer and tax-collector shall be fixed by the mayor and council next preceding said mayor and council whose salary is thus fixed.

Sec. 21. Be it further enacted, That the mayor and council shall have power and authority to do any and all things which General powers of corporation. are usually done by corporations of like character in this State, which are not contrary to the Constitution and laws of the United States or of this State.

Sec. 22. Be it further enacted, That all laws and parts of Repealing clause. laws in conflict with this Act be, and the same are, hereby repealed.

Approved November 29, 1897.

PERRY, ACT AUTHORIZING BONDS FOR WATERWORKS REPEALED.

No. 267.

An Act to repeal "an Act to authorize and empower the mayor and aldermen of the town of Perry, Georgia, to issue bonds to the amount of \$5,000.00 and dispose of the same for the purpose of boring an artesian well in said town, for establishing waterworks in said town, and for other purposes," approved October 10th, 1891, and published in Georgia Laws 1890 and 1891, page 879, volume II., and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That the Act approved October 10th, 1891, and published in the Georgia Laws 1890 and 1891, page 879, volume II., to authorize and empower the mayor and aldermen of the town of Perry, Georgia, to issue bonds to the amount of \$5,000.00 and Perry, act authorizing bonds for waterworks repealed.

Powder Springs, Charter of Amended.

dispose of the same for the purpose of boring an artesian well in said town, for establishing waterworks in said town, and for other purposes, be, and is, hereby repealed.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

POWDER SPRINGS, CHARTER OF AMENDED.

No. 198.

An Act to amend "an Act incorporating the town of Powder Springs, in Cobb county, providing for the election of mayor, council, marshal, clerk, and to define their powers, duties, etc.," approved September 18th, 1883, so as to more fully and accurately define and fix the limits of said town of Powder Springs; to authorize said officers to levy and collect taxes, lay out and improve streets and otherwise increase the powers and duties of said officers, and for other purposes.

Powder
Springs.

Corporate
limits.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, section 2 of said Act, approved September 18th, 1883, be stricken, and in lieu thereof the following be passed, to be known as section 2 of said Act, and to read as follows: "Section 2. The corporate limits of said town shall be defined as follows, to wit: Beginning on the west side of Powder Springs at the bridge over Powder Springs creek, and running down the creek south, making the east side of the creek the line, a distance of five hundred yards; thence east to the south corner of the cemetery on the road leading to Austell; thence north along the east side of said cemetery to the northeast corner; thence around the north side of said cemetery back to the Atlanta road; thence north along the east side of said road to the main Marietta street; thence across said Marietta street to the north Marietta road, and running on the east side of said road to the north line of the colored church property; thence west parallel with Marietta street along the branch to the junction of the Dallas and Lost Mountain road; thence west along the south side of the Dallas road a distance of two hundred yards; thence south to the Powder Springs creek; thence south down the creek to the beginning corner.

Powder Spring^s, Charter of Amended.

Sec. 2. Be it further enacted, That section 4 of the original Act be, and the same is, stricken, and in lieu thereof the following is passed, to be known as section 4 of said Act, and to read as follows, to wit: "Section 4. The mayor and four members of the council shall constitute a quorum for the transaction of any business, and the majority of the votes cast shall determine all questions coming before them. They shall have authority to levy such tax upon all properties in said town limits as may be necessary for the purposes thereof, but not to exceed thirty-three and one-third cents upon the hundred dollars valuation thereof; they shall have authority to issue *fi. fas.* against the tax defaulters, which *fi. fas.* shall be addressed to the marshal of the town, and shall be executed by the levy and sale of the property of the de'endant, and shall be conducted in the same manner as sheriff's sales are now conducted. They shall have authority to enact such ordinances, rules and regulations as the needs of said town may require respecting sidewalks, water, hogs, cattle and other animals, pavements, cemeteries, streets, etc. They are authorized and empowered to open, straighten, lay out and improve the streets of said town, and for this purpose they shall have the right to condemn any private property by first paying a just and adequate compensation therefor, but they shall pass ordinances providing in what manner said property shall be condemned. They shall also pass such ordinances as are proper against houses of ill fame and disorderly houses, for the removal of pests and the abatement of nuisances, and the illegal sale of intoxicating liquors. They shall have power to enforce the ordinances of said town by the arrest and trial of the violators thereof, and may punish the same by a fine not exceeding fifty dollars in amount, or by confinement in the guard-house, or work upon the streets not to exceed thirty days for any one offense. They shall have power and authority to call out each and every male person within the jurisdiction of said corporation subject to road duty, who shall be compelled to do road and street duty, subject to the laws of this State, or said mayor and council shall have power to levy and collect a tax for the purpose of having the roads and streets kept in good order, which shall be a commutation for road duty. Ten days' residence in the town at any time during the year shall render any road hand liable to street duty therein; but if said hand has done road duty elsewhere in said year before coming to said town, the number of days already worked shall be deducted from the number of days required of a street hand in said town. Street defaulters shall be fined not more than three dollars a day for each day that they fail or refuse to work, and on failure to pay said fines

Mayor and
council,
general
powers of.

 Reidsville, Town of Incorporated.

and costs, said defaulters shall be punished by fine or imprisonment, as for a violation of the ordinances of said town. They shall have power and authority to pass and enforce every by-law, regulation and ordinance that shall appear to them necessary for the security, welfare and interest of said town, or for the preserving of the peace, health, sobriety, morals, order and good government of the same.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 8, 1897.

 REIDSVILLE, TOWN OF INCORPORATED.

No. 306.

An Act to incorporate the town of Reidsville, in the county of Tatnall, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That the town of Reidsville, in the county of Tatnall, be and the same is hereby incorporated as a town, under the name and style of the town of Reidsville.

Reidsville, town of incorporated.

Sec. 2. Be it further enacted by the authority aforesaid, That the incorporated limits of said town shall extend one-half mile in every direction from the center of the court house square in said town.

Corporate limits.

Sec. 3. Be it further enacted, That C. W. Smith be, and is, hereby appointed mayor, and H. J. McGee, J. V. Kelley, J. H. Heery, Benjamin Alexander, W. T. Burkhalter be, and they are, hereby appointed councilmen of said town of Reidsville, to hold their offices until the first annual election as hereinafter provided.

Mayor and councilmen, appointed.

Sec. 4. Be it further enacted, That on the second Monday in December, 1898, and annually thereafter on the same day, an election shall be held in the council chamber in said town for mayor and five councilmen, who shall hold their offices for one year and until their successors are elected and qualified, but no one shall vote for or be eligible to the office of mayor or councilman of said town who is not a resident of said town, and who is not qualified to vote for members of the General Assembly of this State. Said election shall be held and conducted in the same manner as elections for members of the General Assembly in this State, and the certificate of the managers shall be sufficient authority to the

Election for, annual.

Reidsville, Town of Incorporated.

persons elected to enter on the discharge of the duties of the office to which they have been elected.

Sec. 5. Be it further enacted, That before entering on the discharge of their duties, the mayor and each councilman shall subscribe to the following oath, which may be administered by any person authorized by the laws of this State to administer oaths: I do solemnly swear that I will faithfully discharge all the duties devolving on me as mayor (or councilman, as the case may be) of the town of Reidsville, according to the best of my ability and understanding, so help me God. Oath of.

Sec. 6. Be it further enacted, That said mayor and councilmen shall have power and authority, when deemed necessary by them, to elect such marshals, clerks, and other subordinate officers as they may deem necessary for carrying into effect the powers herein conferred upon them; to prescribe the fees and duties of such subordinate officers, and require such bonds for the faithful performance of their duties as they deem necessary and proper. Officers.

Sec. 7. Be it further enacted, That the mayor shall be *ex officio* a justice of the peace in criminal matters, and shall have full authority to issue warrants for any offense committed within the corporate limits of said town, and shall have power to compel the attendance of witnesses, to examine them under oath, to admit any offender to bail or commit to jail for violation of the laws of the State, and to admit to bail or commit to the guard-house for violation of the ordinances of said town. Mayor
ex officio a
justice of
the peace.

Sec. 8. Be it further enacted, That said mayor and councilmen shall have full power and authority to pass all ordinances and by-laws that they may deem necessary for the government of said town, for the establishment and cleansing of streets therein, and to provide for the sanitary regulations of said town; *provided*, they be not repugnant to the Constitution and laws of this State or of the United States. Corporate
powers.

Sec. 9. Be it further enacted, That said mayor and councilmen shall have power to levy and collect a tax not exceeding three-tenths of one per cent. upon all the property, both real and personal, within the corporate limits of said town; they shall also have power to require all persons within said corporate limits, who are subject to road duties under the laws of this State, to work on the streets of said town; or they may prescribe a commutation tax, which may be paid in lieu of work on the streets. General
Tax.

Street tax.

Sec. 10. Be it further enacted, That the mayor of said town, and in his absence the mayor *pro tem.*, who shall be elected by the councilmen from their own number, shall be the chief executive Mayor,
powers of.

Rockmart, Charter of Amended.

officer of said town. He shall see that the ordinances, by-laws, rules and orders of the council are faithfully executed. He shall have control of the police of said town, and may appoint special police whenever he may deem it necessary, and it shall be his duty especially to see that the peace and good order of the town are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in town. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of immediate payment thereof he may require the offender to work on the streets of said town not exceeding thirty days.

Vacancies. Sec. 11. Be it further enacted, That if at any time the office of mayor or councilmen shall become vacant by death, resignation or otherwise, the remaining members of the council may fill such vacancy by appointment from among the citizens of said town eligible to such office, under the provisions of this charter.

Repealing clause. Sec. 12. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 18, 1897.

ROCKMART, CHARTER OF AMENDED.

No. 231.

An Act to amend the charter of the town of Rockmart, State of Georgia, so as to include within the corporate limits of said town of Rockmart "Piedmont Institute" and a portion of College street and Piedmont avenue.

Rockmart. **Corporate limits.** Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the corporate limits of the town of Rockmart be, and the same are, hereby extended as follows: Commencing at the east end of East avenue on the south side of said avenue at the corporate limits of said town and running east sixty feet, thence north along the eastern boundary of Piedmont avenue six hundred and six feet to the southwestern corner of the lands of Piedmont Institute, thence east 425 feet, thence north 572 feet to the northern boundary of College street, thence west along the north line of College street to the limits of said town.

Rome, Corporate Limits Extended.

Sec. 2. Be it further enacted by the authority aforesaid, That from and after the passage of this Act the said lands before described shall be taken and regarded for all purposes as within the corporate limits of said town of Rockmart.

Sec. 3. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act are hereby repealed.

Approved December 15, 1897.

ROME, CORPORATE LIMITS EXTENDED.

No. 142.

An Act to amend the charter of the city of Rome, Georgia, so as to include within the corporate limits of said city the following described territory, to wit: Beginning at a point on the northern boundary line of Rome, where the eastern side of the right of way of the Southern Railroad Company crosses said line, thence northerly along said eastern side to the corporate line of the town of North Rome, thence northwesterly along said corporate line to the northern side of Calhoun road, thence westerly along said northern side to Broad street, thence across Broad street in a direct line to the northern side of Harvey street, thence westerly along the northern side of Harvey street to the eastern side of Ross street, thence south along the eastern side of Ross street to the northern boundary line of Rome, thence east along said northern boundary line to the beginning point.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the corporate line of the city of Rome, Floyd ^{Rome,} county, Georgia, shall be changed so as to include therein the following described land: Beginning at a point on the northern boundary line of Rome, where the eastern side of the right of way of the Southern Railway Company crosses said line, thence northerly along said eastern side to the corporate line of the town of North Rome, thence northwesterly along said corporate line to the northern side of the Calhoun road, thence westerly along said northern side to Broad street, thence across Broad street in a direct line to the northern side of Harvey street, thence westerly along northern side of Harvey street to ^{Corporate limits.}

Smyrna, Charter of Amended.

the eastern side of Ross street, thence south along the eastern side of Ross-street to the northern boundary line of Rome, thence east along said northern boundary to the beginning point.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved November 29, 1897.

SMYRNA, CHARTER OF AMENDED.

No. 201.

An Act to amend and supersede an Act incorporating the town of Smyrna; to appoint commissioners for the same; to define the corporate limits of said town; to confer certain powers upon the officers of said corporation, approved August 23d, 1872, so as to provide for the election of a mayor and council, clerk and marshal; make the limits of said town the distance of one-half of one mile in every direction from the Presbyterian church in said town; empower said mayor and said council of said town to levy and collect tax, lay off and improve streets, fine and imprison all persons convicted of a violation of the town ordinances, and for other purposes.

Smyrna.
Charter of.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the Act incorporating the town of Smyrna, in the county of Cobb, be, and the same is, hereby amended and superseded; that the town of Smyrna shall continue to exist, but from and after the passage of this Act the charter of said town shall be and read as contained in the foregoing and following sections.

Mayor and
council-
men.

Sec. 2. Be it further enacted. That the said town of Smyrna is hereby incorporated, and the inhabitants of the territory herein-after designated are made a body corporate, and the municipal government of the town of Smyrna, in the county of Cobb, and State of Georgia, shall be vested in a mayor and five councilmen, who are hereby constituted a body corporate, as the "mayor and council of the town of Smyrna," and by that name shall succeed to the rights and privileges of the present corporation of the town of Smyrna.

Smyrna, Charter of Amended.

Sec. 3. Be it further enacted, That the corporate limits of said town shall be as follows: The corporate limits of said town shall extend one-half mile in every direction from the Presbyterian church in said town of Smyrna. ^{Corporate limits.}

Sec. 4. Be it further enacted, That on the first Saturday in January next, and annually thereafter, there shall be an election held in said town of Smyrna for a mayor and five councilmen, clerk and marshal, who shall hold their offices for one year and until their successors are elected and qualified. All persons who have resided in said town for sixty days, and who are qualified to vote for members of the General Assembly, shall be entitled to vote for said mayor, councilmen, clerk and marshal. Said election shall be held by a justice of the peace or a notary public who is *ex officio* justice of the peace, and two freeholders. ^{Annual elections for officers.}

Sec. 5. Be it further enacted, That the mayor and three members of the council shall constitute a quorum for the transaction of any business, and the majority of the votes cast shall determine all questions coming before them. They shall have authority to levy such tax upon all properties in said town limits as may be necessary for the purposes thereof, but not to exceed twenty-five cents on the hundred dollars valuation thereof. They shall have authority to issue *fi. fas.* against the tax defaulters, which shall be addressed to the marshal of the town, and shall be executed by the levy and sale of the property of the defendant, and shall be conducted in the same manner as sheriff's sales are now conducted. They shall have authority to enact such ordinances, rules and regulations as the needs of said town require respecting sidewalks, water, hogs, cattle and other animals, pavements, cemeteries, streets, etc. They are authorized and empowered to open, straighten, lay out and improve the streets of said town, and for this purpose they shall have the right to condemn any private property by first paying a just compensation therefor, but they shall pass ordinances providing in what manner said property shall be condemned. They shall also pass such ordinances as are proper against houses of ill-fame and disorderly houses, for the removal of pests and the abatement of nuisances, and the illegal sale of intoxicating liquors. They shall have power to enforce the ordinances of said town by the arrest and trial of the violators thereof, and may punish by a fine not exceeding thirty dollars in amount, or by confinement in the guard-house, or work on the streets not to exceed thirty days. They shall have power and authority to call out each and every male person within the jurisdiction of said corporation subject to road duty, who shall be compelled to do road and street duty, sub- ^{Corporate powers.}

Statesboro, Charter of Amended.

ject to the laws of the State, or said mayor and council shall have power to levy and collect a tax for the purpose of having the roads and streets kept in good order, which shall be a commutation for road duty. Thirty days' residence in the town at any time during the year shall render any road hand liable to street duty therein, but if any hand has done road duty elsewhere in said year before coming into said town, the number of days already worked shall be deducted from the number of days required of a street hand in said town. Street defaulters shall be fined not more than three dollars per day for each day they fail or refuse to work, and on failure to pay said fine and cost said defaulters shall be punished by fine or imprisonment as for a violation of the ordinances of said town. They shall have power and authority to pass and enforce every by-law, regulation or ordinance that shall appear to them necessary for the security, welfare and interest of said town, or for the preservation of the peace, health, sobriety, morals, order and good government of the same.

Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing
clause.

Approved December 8, 1897.

STATESBORO, CHARTER OF AMENDED.

No. 280.

An Act to amend the charter of the town of Statesboro, Georgia, so as to authorize and empower the mayor and council of said town to fix the license for the sale of liquors, wines and all other beverages, at not less than five thousand dollars (\$5,000.00) per year; to provide for its collection in case of sale without such license, and to make it unlawful to keep for illegal sale or to sell without license from the proper authorities any ardent, spirituous or malt liquors, any wines, ciders, beers, drinks or beverages of any kind, name or nature; and to make such places where such liquors, wines, beverages or drinks are kept for sale, or is sold, a public nuisance; to provide a penalty therefor, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the charter of the town of Statesboro, in Bulloch county, Ga., approved on the 2d day of September, 1889, be amended as follows: The mayor

Statesboro.

and council of said town are hereby authorized and empowered to fix the license for the sale of liquors, wines and all other beverages containing any alcoholic stimulants whatever, at not less than five thousand dollars (\$5,000.00) per year, and any person before selling shall pay to the treasurer of said town the said sum of five thousand dollars (\$5,000.00) and receive license, and should any person sell any quantity of liquors, wines or beverages in said town without having paid the license fee as aforesaid, the mayor of said town is hereby authorized and empowered to issue an execution instantler, signed by himself and the recorder and directed to the marshal of said town, against the seller, which execution shall be levied on any property of the seller found in said town and be so'd as is provided in other levies and sales, and should any illegality be filed by the person against whom the said *fi. fa.* is issued the same shall be heard and determined by the mayor and council, and if such person desire to *certiorari* to the superior court from the decision of said mayor and council he must execute a bond with good security in the sum of ten thousand dollars (\$10,000.00), payable to the said mayor and council and to be approved by the mayor; and should the judgment of the mayor and council overruling the illegality be sustained by the higher court, then said bond to be collected from the principal and his sureties.

Sec. 2. Be it further enacted by the authority aforesaid, That in addition to the remedy provided for in section 1 the said mayor and council are hereby authorized and empowered to make it unlawful to keep for illegal sale or to sell without license, as provided in section 1, any ardent, spirituous or malt liquors, any wines, beers, ciders, drinks or beverages of any kind whatever, and make such places where such drinks or beverages are kept for sale a public nuisance.

Sec. 3. Be it further enacted by the authority aforesaid, That should the said mayor and council exercise the authority vested in them by section two of this Act, and any person should thereafter be convicted before the said mayor of keeping for sale, contrary to the provisions of this Act, any of the liquors or beverages mentioned in said section, or of maintaining a public nuisance as therein described, such person shall be punished by a fine of not more than fifty dollars for every day that such liquors are shown to have been kept for illegal sale or such nuisance maintained, or be worked upon the streets or other public works of said town for not more than six months, or confined in the town prison for not more than six months. And

 St. Marks, Town of Incorporated.

the said mayor may, in his discretion, impose upon the person so convicted any one or more of these penalties.

Repealing
clause.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

 ST. MARKS, TOWN OF INCORPORATED.

No. 230.

An act to incorporate the town of St. Marks, Meriwether county, Georgia, to define the corporate limits thereof, to provide a municipal government for said town, and to confer certain corporate powers and privileges on the same, and for other purposes.

St. Marks
incorporated.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That the town of St. Marks, in the county of Meriwether, be, and the same is, hereby incorporated as a town, under the name of St. Marks.

Govern-
ment of,
and cor-
porate
powers.

Sec. 2. Be it enacted, That the municipal government of said town of St. Marks shall consist of a mayor and four councilmen, who are hereby constituted a body corporate under the name and style of the mayor and council of the town of St. Marks, and by that name and style shall have perpetual succession, and by said name shall be capable to sue and be sued in any court of law or equity in the State, plead and be impleaded, and do all other acts relating to their corporate capacity, and shall be capable in law to purchase, hold, receive, enjoy and possess, to retain to them and their successors, for the sole use and benefit of said town of St. Marks, in perpetuity or a term of years, any estate, real or personal, within the limits of said town, and to sell, exchange or lease the same in any way whatever.

Corporate
limits.

Sec. 3. Be it further enacted, That the corporate limits of said town shall extend one-fourth of one mile each way from the center of where the public road leading to LaGrange crosses the public road known as the Greenville and Hogansville road.

Mayor and
council-
men.

Sec. 4. Be it further enacted, That the corporate powers of said town shall vest in said mayor and council, who shall be elected on the first Saturday in January of each year; said mayor and councilmen shall hold their offices for one year, or until their successors are elected and qualified.

Sec. 5. Be it further enacted, That said mayor and councilmen shall, before entering upon the duties of their respective offices, subscribe to the following oaths, which may be administered by any person in this State authorized to administer oaths: "I do solemnly swear (or affirm) that I will faithfully discharge all the duties incumbent upon me as the mayor (or councilman) of the town of St. Marks, according to the best of my ability, so help me God." Oath of.

Sec. 6. Be it further enacted, That all persons qualified to vote for members of the General Assembly for said county, who have *bona fide* resided in said town for the period of thirty days previous to the election whereat they shall offer to vote. Voters.

Sec. 7. Be it further enacted, That said mayor and councilmen shall have power and authority to elect such marshals, clerks and other subordinate officers as may be deemed necessary for carrying on the powers herein granted, and to prescribe the compensation of such subordinate officers, and to require of them such bonds as they may deem necessary. Officers.

Sec. 8. Be it further enacted, That said mayor and councilmen shall have power to pass and make all ordinances, by-laws, rules and regulations necessary for the good government, peace and order and health of said town, and all power herein granted; *provided*, they are not repugnant to the Constitution and laws of this State or of the United States. Corporate powers.

Sec. 9. Be it further enacted, That said mayor and council shall have power to levy a tax, not exceeding one-fourth of one per cent., upon all property, real or personal, subject to State tax within the corporate limits of said town; they shall also have power and authority to require of all persons subject to road duty under the laws of this State to work on the streets, alleys and sidewalks of said town, but they may receive in lieu of said work such commutation fee as said mayor and council may prescribe, which shall be used only in working the streets, alleys and sidewalks of said town.

Sec. 10. Be it further enacted, That said mayor and council shall have power to assess and collect such a business or license tax as they may deem proper upon all kinds of business, professions or occupations carried on in said corporation; also on all shows, exhibitions and performances, on all billiard, pool or tables for playing games, and all establishments of like character in said town for amusement and gain. Tax on business.

Sec. 11. Be it further enacted, That said mayor and council shall have power to provide for the arrest, trial and punishment of offenders against any ordinance, by-law, rule or regulation of said town, by fine, imprisonment or work on the streets of said town; Corporate powers.

St. Marks, Town of Incorporated.

provided, said fine shall not exceed fifty dollars and said imprisonment not to exceed thirty days.

Mayor
pro tem. Sec. 12. Be it further enacted, That the first meeting of the mayor and council after their election and qualification it shall be the duty of said body to elect from one of the council a mayor *pro tem.*, who shall perform all the duties of said mayor when from any cause he cannot be present to execute the duties of his office.

Vacancies. Sec. 13. Be it further enacted, That in the event of the office of the mayor or councilmen of said town shall become vacant, either by death or otherwise, the said vacancy shall be filled by the mayor and council.

Streets,
how
opened. Sec. 14. Be it further enacted, That said mayor and council shall have power to lay out, open and abolish streets and alleys of said town, extend and change the same, as the public interest may require, by paying the owners just compensation for the property taken for any such purposes.

Taxes and
fines, how
collected. Sec. 15. Be it further enacted, That said mayor and council shall have power to provide, by ordinance, for the collection of all taxes, moneys and fines due to said town, by execution, to be issued and signed by the mayor of said town, or the mayor *pro tem.*, and the levies of the same by the marshal of said town, upon any real or personal property of the defendant to be found in the county, and said marshal's sales shall be conducted as provided by section 732 of the Civil Code of Georgia; and in case any illegality or claim is interposed to such sale, the same shall be returned with all the papers to the justice's court in the district in which said town is situated. If real property be levied upon, then the said papers shall be returned to the next succeeding term of the superior court of said county; *provided*, that said court is not held within ten days after the filing of said illegality or claim. If held within ten days said cause shall be returnable to the next succeeding term; *provided, further*, that in all cases when the justice's court shall not have jurisdiction, said papers shall also be returned to the superior court.

Municipal
court. Sec. 16. Be it further enacted, That upon the arrest of any person upon a charge of violating any of its ordinances or by-laws of said town, if it shall appear from the testimony adduced upon the trial of such person that there is probable cause for his detention to answer to the charge of having violated any of the criminal laws of the State, said officer trying said cause shall issue his warrant committing said accused to the common jail of the county to answer to said charge before the superior court or county court of the

St. Marks, Town of Incorporated.

county. The committing officer shall have authority to admit and approve bail in all cases that are bailable.

Sec. 17. Be it further enacted, That whenever anything for which ^{Licenses.} State license is required is to be done within said town the council may require a town license therefor, except for the sale of spirituous, intoxicating, vinous and malt liquors, and may impose a tax thereon for the use of the town, and may also require a bond, with sureties, conditioned as required in section 689 of the first volume of the Code of 1895, payable to said town, in such penalty as it may think proper, and may revoke such license at any time if the condition of said bond be broken; and said mayor and council shall have power to license and regulate the management of hotels and private boarding houses, livery stables and private and public transportation through the town, and in addition to the *ad valorem* tax provided for by law, to levy a tax on all billiard and pool tables, ten-pin or nine-pin alleys, and tables or alleys of any other kind used for the purpose of playing on with pins or balls, or both, ^{Tax on business.} within such town, and all contrivances of whatever kind used for the purpose of gaming or carrying on a game of chance, by selling cards, tickets or numbers, or by turning a *dial* or wheel, by using any other artifice or contrivance; and said mayor and council shall have power to tax all shows which may exhibit within said town to which tax may be collected, if not voluntarily paid, by execution and levy and sale, as provided for the collection of taxes under the general law prescribing the mode of incorporation towns and villages; and said mayor and council shall have full power to pass all ordinances necessary to carry into effect the provisions of this charter.

Sec. 18. Be it further enacted, That all laws and parts of laws ^{Repealing clause.} in conflict with this Act be, and the same are, hereby repealed:

Approved December 15, 1897.

Summerville, Town of Incorporated.

SUMMERVILLE, TOWN OF INCORPORATED.

No. 337.

An Act to incorporate the town of Summerville, in the county of Chattooga, to define its limits, provide for a mayor, recorder and council and other officers of said town, and prescribe their powers and duties; to create a free school system for said town; to provide for a public fund by taxation and license; to provide for the making of all lawful rules, regulations and by-laws for the proper government and control of said town, and the enforcement of its ordinances.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the town of Summerville, in the county of Chattooga, be incorporated; shall be a body politic and corporate by the name of the town of Summerville. The corporate limits of said town shall embrace an area of one-half mile in every direction from the center of the court house in the town of Summerville. Until the next regular annual election of officers held under this charter and until their successors are elected and qualified, the municipal authorities of said town shall be the following named citizens of said town, to wit: L. D. Hollis, mayor; C. L. Odell, recorder; H. B. Kirby, E. N. Martin, B. O. Henry, C. C. Bryan and D. P. Henley, councilmen, and are hereby authorized to carry out the purposes of this Act, and are fully vested with all rights, powers and privileges conferred by this Act, as if elected under the provisions herein contained.

Sec. 2. Be it further enacted, That the following designated sections of the Code of Georgia, 1895, volume 1, are hereby adopted and shall become a part of this Act of incorporation, to wit: Sections 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707; but where any of said sections or the provisions thereof conflict with such sections or the provisions thereof as are herein specifically set out, the former shall be void and the latter prevail.

Sec. 3. Be it further enacted, That the public fund of said town shall be made up of *ad valorem* tax, street tax, license, tax on dogs, the school tuition herein provided for, and fines and forfeitures; and at the first annual meeting of the new council after each election the council shall levy said tax and fix said license and school

Summerville, Town of Incorporated.

tuition, and the same shall be entered on the minute-book. If for any cause said tax is not so levied and license and school tuition fixed at the first meeting after such annual election, the same may be levied and fixed at any succeeding meeting of council.

Sec. 4. Be it further enacted, That whenever anything for which State license is required is to be done within said corporate limits, the council may require a license, and may impose a tax thereon for the use of said town, and may also require a bond with sureties, conditional as prescribed by council in such penalty as it may see proper, and revoke the same at any time the conditions of the bonds are broken; and said council shall have power to license and regulate hotels, boarding houses, livery stables, public and private transportation through and in said town, selling at public outcry to the highest bidder or at a fixed price, the peddling of any article, or any other business or thing which by law might be licensed or regulated, except as in this Act prohibited; and license and regulate either the sale or dealing in said town in any manner of dry goods, groceries, wares, merchandise, jewelry, musical instruments, sewing machines, patent medicines, patented articles, patent rights, nostrums, or other goods and articles, and place thereon, either for the sale or delivery, or both, where the same is not contrary to law, a tax or license not to exceed \$500.00 per annum; and said corporate authorities shall have power to prohibit the delivery within said corporate limits by the seller or the agent of the seller of such dry goods, groceries and other articles and things aforementioned, sold outside of said corporate limits, without the seller first paying such tax or license as is imposed by said corporate authorities for the delivery of such goods, articles and things sold within the corporate limits of said town. Said corporate authorities shall have power to tax all shows in a sum not exceeding the State tax which may exhibit within the corporate limits of said town, and prohibit the same altogether when they deem best for the interest of said town.

Sec. 5. Be it further enacted, That said council shall, in addition to the rights and powers granted herein to make by-laws, rules and regulations for the government and control of said town, shall make and provide such ordinances as are necessary to prohibit on the streets, bridges, sidewalks and on private property any loitering, idling or mischief-making, and to remove therefrom any idle or suspicious person, and to make any and all needful rules and regulations for the protection of the citizens and property of said town and to carry into effect the provisions of this Act.

Sec. 6. Be it further enacted, That in addition to the powers

Mayor's
court.

and duties herein conferred on the mayor of said town, he is hereby authorized to hold his court at any time for the purpose of trying violators of the ordinances of said town at some place designated by council. He may, when the interest of the town demands it, order the arrest, without summons or warrant being first issued, of any person charged with the violation of any of the ordinances of said town. In such case, unless the person be intoxicated, he shall instantner have served a written summons on said person, unless the same is waived, setting out the charge preferred, and instantner try the same, unless continued for cause, and if the person be intoxicated he shall be placed in the town prison and not tried until such time, in the discretion of the mayor, as the person may become sober. The form, in case of a charge of violating an ordinance of said town, shall be as follows: The town of Summerville *vs.* ——. To any lawful officer of said town to execute and return. The defendant, ———, is hereby required to be and appear at the mayor's office in the town of Summerville on the — day of —, —, to answer to the charge of —. Given under my hand and official signature, this — day of —. ———, mayor. Filling out the blanks in said form, or a substantial compliance therewith in form, shall be sufficient. The mayor shall have power to punish for contempts, to issue any and all process necessary to carry into effect the provisions of this Act, to compel the attendance of witnesses, to summons a posse, and give such orders as are necessary to control and use the same in enforcing the ordinances of the town, the good order, peace and dignity thereof, and protect the property in said town, and punish under such laws as council may prescribe for the failure of any of the posse so summoned to comply with such lawful orders as are given.

Appeal.

Certiorari.

Sec. 7. Be it further enacted, That an appeal may be had from any decision made by the mayor in the trial of violators of the ordinances, which may be entered to the council of said town within four days of the decision complained of and by the payment of all costs, and a *certiorari* may be had from any decision rendered by council in such appeals to the superior court of the county under the general law applicable to *certiorari*.

Penalties.

Sec. 8. Be it further enacted, That the fines for the violation of any of the ordinances of said town shall be by imprisonment or work on the streets of said town not to exceed thirty days or fine not to exceed \$100.00 for each offense.

Contested
elections.

Sec. 9. Be it further enacted, That any election held under the provisions of this Act may be contested under the general law of force for municipal contests.

Summerville, Town of Incorporated.

Sec. 10. Be it further enacted, That a free school for white ^{Schools.} children and a free school for colored children shall be established in said town of Summerville. The county school commissioner of said county shall pay over to the officer designated by the mayor and council the gross public school fund for which said school is entitled, to be estimated by the school population of said town and the Summerville school district, which school district shall be fixed by the board of education of said county, not less than the school district, as established by said board for the year 1896, and when so fixed, shall not be changed, and the said board shall not establish a free school within two miles of the court-house of said town.

Sec. 11. Be it further enacted, That the mayor and council of ^{Election for schools.} said town shall, within ten days of the approval of this Act, call an election in said town, giving at least ten days' notice thereof in six conspicuous places in said town, to ascertain the desire of the qualified voters of said town whether free schools under this Act shall be established. All persons voting at said election shall have written or printed on their ballots, "For free schools," or, "Against free schools," and if the question shall be decided affirmatively by the necessary majority the council shall so declare, and all the provisions of this Act relating to free schools, commencing with section 10, shall become operative, but shall not be of force if declared against free schools. If "for free schools" it shall be the duty of the mayor and council to establish free schools under the terms of this Act. Should it appear that the votes cast "for free school" are less than a constitutional majority, then each succeeding year, commencing on the first Monday in December, 1898, an election shall be ordered under the terms of this Act until the necessary majority of ballots "for free schools" shall be cast to establish the same. On failure to hold such election by order of mayor and council or otherwise, the same may be held under the terms of this Act provided for the failure to hold annual elections.

Sec. 12. Be it further enacted, That the mayor and council of ^{Trustees of schools.} said town shall provide by ordinance such rules and regulations as to them may seem proper for the election by them of a board of trustees to govern and control said schools, define their duties, and do all other acts and things necessary for the purpose of maintaining such free schools by taxation, license, tuition fees and other means which they may adopt.

Sec. 13. Be it further enacted, That immediately after the ^{Election of trustees.} establishing of free schools as in this Act provided and before the second Monday in January, 1898, the mayor and council shall elect a board of trustees, composed of six citizens of said town, who shall

Summerville, Town of Incorporated

hold their office two for one year, two for two years and two for three years, and after the first election of trustees those afterwards elected shall hold their office for three years, and until their successors are elected and qualified.

Teachers,
salaries of.

Sec. 14. Be it further enacted, That the mayor and council shall fix the salaries of the various teachers and the time and manner in which the same shall be paid. Council shall require the treasurer to receive and pay out all school funds. They shall annually, at the regular annual meeting after election and qualification, fix a sum total which may be applied to free schools during the year, and no greater sum shall be applied during said year. Said sum shall be made up as follows: A tuition fee may be fixed for children residing within said corporation and a larger fee fixed for children living without said corporation, but in no event shall the same be more than fifty cents per month for children living within said school district, which fee may be required in advance. No child shall, within said school district, be deprived of the benefits of the public school fund to which it may be entitled. One-half of all the license fund shall be estimated and set apart for the educational fund, and in case there is no license issued for the sale of vinons, malt, spirituous and intoxicating liquors in said town, or if council should adjudge that the school fund would not be sufficient with said license fund, together with other funds for said schools, then the mayor and council shall levy an *ad valorem* tax not to exceed fifty cents on the one hundred dollars, to be collected as other *ad valorem* taxes may be collected under this Act, and apply the same to the funds for public schools.

School
fund.

Registra-
tion of
voters.

Sec. 15. Be it further enacted, That ten days before the election as provided in this Act "for free schools," the recorder of said town shall be by said council required to furnish a suitable registration book, which shall be open ten days preceding said election and be so kept to within two days of said election, at some convenient place in said town, for the registration of the qualified voters thereof. No person who fails to register shall vote in said election. Said recorder shall allow no person to register who is not a qualified voter of said town under this Act. If any person is disqualified on account of the recorder refusing to allow any voter to register or on account of his allowing any voter to register who is not entitled to vote, may appeal to council, and it shall be the duty of the council to pass upon same before the date of election. It shall be the duty of the recorder to furnish to the managers of the election a list of the registered voters before the opening of the polls on the day of election.

Summerville, Act of 1874 Incorporating, Repealed.—Sunny Side, Village of Incorporated.

Sec. 16. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing
clause.

Approved December 21, 1897.

SUMMERVILLE, ACT OF 1874 INCORPORATING, REPEALED.

No. 308.

An Act to repeal an Act entitled "An Act to incorporate the town of Summerville, in the county of Chattooga, and to appoint commissioners for the same, and for other purposes therein mentioned," approved March 2d, 1874, and all Acts amendatory thereof and relative thereto.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That an Act to incorporate the town of Summerville, in the county of Chattooga, and to appoint commissioners for the same and for other purposes therein mentioned, approved March 2d, 1874, and all other Acts amendatory thereof and relative thereto, be, and the same are, hereby repealed. Summer-
ville, act
of 1874, in-
corporat-
ing, re-
pealed.

Approved December 18, 1897.

SUNNY SIDE, VILLAGE OF INCORPORATED.

No. 312.

An Act to incorporate the village of Sunny Side, to provide a charter for the government of the same, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the village of Sunny Side, in the county of Spalding, be, and the same is, hereby incorporated under the name and style of the mayor and council of the village of Sunny Side, and by that name and style shall have perpetual succession, shall have a common seal, shall be capable in law and equity to purchase, have and hold, receive and enjoy, possess and retain to them and their successors, for the use of the village of Sunny Side, any estate Sunny Side
incorpor-
ated.

Sunny Side, Village of Incorporated.

or estates, real or personal, of whatever kind or nature, and shall by the said name and style be capable of suing and being sued in any court of law or equity in this State.

Corporate limits.

Sec. 2. Be it further enacted, That the corporate limits of said village shall extend one-fourth ($\frac{1}{4}$) mile in every direction from the center of the present postoffice building in said village.

Mayor and councilmen.

Sec. 3. Be it further enacted, That the government of said village shall be vested in a mayor and four councilmen, who shall be elected on the first Saturday in January, 1898, and annually thereafter, and who shall hold their office for one year and until their successors are elected and qualified; and that until the first election herein provided for J. T. Gray shall be mayor and G. W. Wood, J. P. Starr, R. R. Smaur and W. G. Brown shall be councilmen of said village.

Elections for.

Sec. 4. Be it further enacted, That at the election for mayor and councilmen all male residents twenty-one years old who have resided in said village thirty days prior thereto and who have paid all State, county and municipal taxes, dues or assessments, shall be qualified voters. That the said election for mayor and councilmen shall be held by three superintendents, who shall be qualified voters at said election, and the polls of said election shall be opened at 12 o'clock m. and closed at 3 o'clock p. m., and said superintendents, before entering upon their duties, shall take and subscribe to the following oath before some justice of the peace, notary, mayor or councilman of the village, to wit: All and each of us do swear that we will faithfully superintend this day's election, that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, nor knowingly prohibit any one from voting who is so entitled, so help us God.

Certificates of election.

Sec. 5. Be it further enacted, That the superintendents at such election shall issue a certificate of the result thereof to each of the persons having a plurality of the votes cast, which certificate shall be recorded in the records of said village, and said certificate shall be sufficient authority for the persons so elected to enter upon the discharge of their official duties after qualification as herein provided.

Vacancies.

Sec. 6. Be it further enacted, That should the office of mayor or councilman become vacant by any cause, the mayor and councilmen remaining shall elect a successor, who shall fill the unexpired term only.

Sunny Side, Village of Incorporated.

Sec. 7. Be it further enacted, That before entering upon the discharge of their official duties the mayor and councilmen elect shall take and subscribe to the following oath before the retiring mayor or some person authorized to administer oaths, to wit: "I do solemnly swear that I will faithfully discharge ^{Oath of.} all the duties devolving upon me as mayor (or councilmen, as the case may be) of the village of Sunny Side during my continuance in office, according to the best of my ability and understanding, so help me God." Said oath shall be entered on the records of the village.

Sec. 8. Be it further enacted, That the mayor and council shall elect annually a mayor *pro tem.* ^{Mayor pro tem.} from the councilmen, whose duty it shall be to act as mayor in all cases in the absence or disqualification of the mayor. They shall also at the same time elect from the councilmen a secretary and treasurer, who shall perform such duties as the mayor and council may prescribe. They shall also have authority in their discretion to elect ^{Officers.} a marshal and prescribe his duties. The compensation of the secretary and treasurer and marshal shall be such as may be fixed by the mayor and council.

Sec. 9. Be it further enacted, That the mayor and council ^{Tax.} shall have power and authority to levy and collect an *ad valorem* tax not exceeding one-half of one per centum ($\frac{1}{2}$ of 1 per cent.) annually upon all property, both real and personal, within the incorporate limits of said village; they may also levy and collect such license tax upon business occupations in said village as they may see proper. All of said taxes to be for the purpose of defraying the general expenses of the village.

Sec. 10. Be it further enacted, That should any person fail ^{How col-} or refuse to pay the tax imposed by the said village authority, the secretary and treasurer shall issue an execution against said delinquent taxpayer, which shall be signed by him in his official capacity and shall bear test in the name of the mayor and council. Said execution shall be directed to the marshal and shall bind all the property that said delinquent taxpayer owned on the 1st day of April of the year the tax was levied, and the lien of said execution shall be superior to all liens on said property, except liens for State and county taxes. The marshal shall levy said execution upon the property of such defaulting taxpayer, and in case of real estate shall advertise and sell the same as at sheriff's sales, and in case of personal property shall expose the same for sale before the usual meeting place of the mayor and council, after advertising it by posting notices in three of

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the most public places in said village for ten days prior to the day of sale.

General
powers.

Sec. 11. Be it further enacted. That the mayor and council shall have power and authority to pass all rules, regulations or ordinances that they may deem necessary for the government of said village, the preservation of order and the protection and preservation of the morals, health, lives and property of its citizens; *provided*, the same are not in conflict with the Constitution and laws of this State or of the United States.

Liquor,
sale of.

Sec. 12. Be it further enacted, That the mayor and council shall have power and authority to prohibit the manufacture and sale of all wines or other drinks which if drunk to excess will intoxicate within the corporate limits of said village.

Mayor's
court.

Sec. 13. Be it further enacted, That the mayor may hold a police court in said village at any time for the trial and punishment of all persons violating the city ordinances and regulations of said village, and when holding said police court shall have the power and authority to administer oaths, preserve order and punish for contempt, and to punish all persons convicted of violations of the ordinances and registration of said village by a fine not exceeding one hundred dollars, or labor on the streets not exceeding one hundred days, or confinement in the guard-house or calaboose not exceeding one hundred days, and he shall also have power and authority to suspend, commute or remit the sentence imposed, in his discretion. In the absence or disqualification of the mayor, the mayor *pro tem.*, or in his absence or disqualification, any councilman may hold said court.

Tax
returns.

Sec. 14. Be it further enacted, That the mayor and council shall prescribe the rules and regulations under which property shall be returned for taxation and the penalty for failure to make returns.

Marshal.

Sec. 15. Be it further enacted, That the marshal shall have power and authority to arrest, without a warrant, any drunk or disorderly person, or any person committing or attempting to commit any offense against the criminal laws of this State or against the village ordinances, and commit him to the calaboose or other place of safety, to await his trial, or may take such bond from the offender as the mayor or any councilman may direct, conditioned for his appearance for trial at the police court.

Guard-
house.

Sec. 16. Be it further enacted, That the mayor and council have power and authority in their discretion to establish and maintain a calaboose or guard-house wherein to confine for safe

Thomaston, Act of 1869 Incorporating. Repealed.

keeping parties under arrest or for the punishment of parties convicted and sentenced in the police court.

Sec. 17. Be it further enacted, That should any property ^{Claims.} levied upon under and by virtue of any execution issued by the secretary and treasurer for taxes or license be claimed by any person not the party to the execution, said claim shall be interposed under the same rules, regulations and restrictions as regulate claim cases under the laws of this State, and in case of personal property said claim shall be returned to and tried as other claim cases in the justice court of the district in which said village is located, and in case of real estate, it shall be returned to and tried as other claim cases in the superior court of said county.

Sec. 18. Be it further enacted, That all laws and parts of ^{Repealing} laws in conflict with this Act be, and the same are, hereby ^{clause.} repealed.

Approved December 20, 1897.

THOMASTON. ACT OF 1869 INCORPORATING, REPEALED.

No. 155.

An Act to repeal an Act to incorporate the town of Thomaston in the county of Upson ; to appoint commissioners from the same, and for other purposes, approved March 16, 1869, and all Acts amendatory or explanatory thereof heretofore passed, so as to repeal the charter of said town of Thomaston, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That ^{Thomas-} the Act entitled "An Act to incorporate the town of Thomaston, in ^{ton, act of} the county of Upson, to appoint commissioners for the same, and ^{1869, incor-} for other purposes," approved March 16, 1869, and all Acts ^{porating,} amendatory or explanatory thereof relating to the municipal gov- ^{repealed.} ernment of said town and the powers conferred upon the same, be, and the same are, hereby repealed so as to repeal the charter of said town.

Sec. 2. Be it enacted by the authority aforesaid, That all laws ^{Repealing} and parts of laws in conflict with this Act be, and the same are, ^{clause.} hereby repealed.

Approved December 2, 1897.

 Thomaston, City of Incorporated.

THOMASTON, CITY OF INCORPORATED.

No. 156.

An Act to incorporate the city of Thomaston, in the county of Upson, and prescribe its limits; to provide for a mayor and aldermen and other officers of said city, and prescribe their powers and duties and the manner of their election; to declare and define the police powers of said city, and provide for all matters of municipal concern and cognizance; to provide that all valid, legal contracts heretofore entered into by the corporate authorities of the town of Thomaston shall be good and valid for or against the city of Thomaston, and that all property now held and owned by the town of Thomaston shall be and become the right and property of the city of Thomaston, and for other purposes.

Thomaston, city of incorporated.

Powers of.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That the inhabitants of the territory embraced within the limits of three-quarters of one mile in every direction from the center of the court house as it is at present located in Thomaston, in the county of Upson, be incorporated under the name and style of the "City of Thomaston," and said city of Thomaston is hereby incorporated, and by that name and style shall have perpetual succession, may have and use a common seal, may sue and be sued, may plead and be impleaded in any court of law or equity in this State; shall be capable in law or equity to purchase, have and hold, receive and enjoy, possess and retain, for corporate purposes, any estate or estates, real or personal, of whatever kind or nature, within the jurisdictional limits of the city of Thomaston, and may sell or otherwise dispose of the same for the benefit of said city, as to the city council may seem fit and proper, the mayor of said city, by direction of the city council, making deed to any property sold or disposed of by the said city.

Mayor and aldermen.

Sec. 2. Be it enacted by the authority aforesaid, That the municipal government of the city of Thomaston shall be vested in a mayor and five aldermen, who shall be elected in the manner hereinafter set out, and who shall compose the city council of Thomaston.

Election of.

Sec. 3. Be it enacted by the authority aforesaid, That an election shall be held at the court house, in the city of Thomaston, on the second Monday in December annually. On the second

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Monday in December, 1897, a mayor and five (5) aldermen shall be elected, the mayor and two (2) aldermen for two years, the two aldermen elected for two years to be so designated on the tickets voted, and three (3) alderman for one year, the three aldermen elected for one year to be so designated on the tickets voted; on the second Monday in December, 1898, and every two years thereafter, three aldermen shall be elected to serve for two years and until their successors are elected and qualified, and on the second Monday in December, 1899, and every two years thereafter, a mayor and two aldermen shall be elected to serve for two years and until their successors are elected and qualified; the mayor and two aldermen elected for two years at said first election shall serve for two years from the time of their installation and until their successors are elected and qualified.

Sec. 4. Be it enacted by the authority aforesaid, That all elections shall be superintended and managed by a justice of the peace, or some other judicial officer, and two freeholders, residents of said city, and before entering on their duties as managers of said elections they shall subscribe to the following oath: "All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, or other judicial officers, or freeholders (as the case may be), residing in the city of Thomaston; that we will make a just and true return thereof, and we will not knowingly permit any one to vote in this election unless we believe that he is entitled to vote according to the law of said city, nor will we knowingly prohibit any one from voting who is by law entitled to vote;" said oath to be signed by each manager in the capacity in which he acts. Said oath may be administered by any person in the county of Upson qualified to administer oaths, or, if no such officer can be had, said superintendents or managers may swear each other. Said managers shall keep two lists of voters and two tally-sheets of said election. How held.

Sec. 5. Be it enacted by the authority aforesaid, That the polls at all elections held in and for said city shall be open from 8 o'clock a.m., till 5 o'clock p.m., when they shall be closed, and the managers of said election shall proceed to count the ballots and consolidate the returns of said election and certify the same. They shall keep two lists of voters and two tally-sheets, and shall make certificate of the result on each tally-sheet, and shall place one of said lists of voters and one of said tally-sheets, together with the ballots, in an envelope or box, and seal the same and deposit with the clerk of the superior court of Upson county. The other list of voters and tally-sheet shall be filed by the managers with the Polls.

Thomaston, City of Incorporated.

Results of
elections,
how de-
clared.

clerk of city council, for delivery to and inspection by said city council, who shall meet within five (5) days after said election is held and declare the result of the same. The clerk of the superior court and the clerk of the city council, after the expiration of sixty days from the time of said election, shall destroy said ballots and lists of voters, without inspection, provided no notice of contest be filed or pending.

Voters.

Sec. 6. Be it enacted by the authority aforesaid, That all persons who shall have paid all taxes legally imposed and demanded by the city authorities, except taxes for the year in which the election is held, who have been *bona fide* residents of said city for sixty days previous to the time when the election is held, who have registered as qualified voters of the city, as hereinafter provided for, and who are qualified to vote for members of the General Assembly of Georgia except registration in the registration book kept by the county tax-collector or registrar, shall not be considered a necessary qualification, shall be considered electors, and be entitled to vote in said city elections, and no other shall be qualified to vote.

Registration
of.

Sec. 7. Be it enacted by the authority aforesaid, That the clerk or treasurer, or such other person as may be designated by the city council, shall open a list or book for the registration of voters, ample notice of which shall be given by publication in the newspaper in which sheriff's advertisements for the county of Upson are published, or by posting at three or more public places in said city, for at least fifteen (15) days prior to any election, which list or book shall be finally and absolutely closed for registration five days before the election, after which time no person shall be allowed to register. Each and every person applying to be registered shall make oath before the registrar in whose possession is the list or book of registration, who is hereby authorized to administer the same, which oath shall be written or printed on said list or book of registration as follows: "I do swear that I am twenty-one years of age, or will be by the time of the election now next to be held in the city of Thomaston. By the next municipal election in the city of Thomaston I will have resided in the State of Georgia twelve months, in the county of Upson six months, and in the city of Thomaston sixty days. I have paid all taxes, State, county and municipal, required of me, except for the present year, and I am not otherwise disqualified to vote in said election."

List of.

Sec. 8. Be it enacted by the authority aforesaid, That the registrar shall furnish the list or book of registration to the managers of the election, together with an alphabetical list of the names of the

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registered voters at the opening of the polls, and the managers shall be judges of the qualification of all registered voters.

Sec. 9. Be it enacted by the authority aforesaid, That if any person shall register on the list or book kept by the registrar as aforesaid, who is not entitled to register under the laws of said city, or if any person votes in any election in said city who is not legally entitled to vote under the laws of said city, he shall be guilty of a misdemeanor and shall be punished as prescribed in section 4310 of the Code of 1882, upon conviction, after indictment or presentment by the grand jury of the county of Upson.

Sec. 10. Be it enacted by the authority aforesaid, That all persons who have registered as qualified voters of the town of Thomaston during the year 1897, under the laws now governing the registration of voters in said town, and who are otherwise legally qualified to vote in municipal elections in said town of Thomaston, under the laws of said town now in force, shall be qualified to vote for mayor and aldermen of the city of Thomaston to be elected under the provisions of this Act, on the second Monday in December, 1897.

Sec. 11. Be it enacted by the authority aforesaid, That the mayor and aldermen of said city elected on the second Monday in December, 1897, shall on the first day of January, 1898, be installed in office by taking and subscribing the following oath, which may be administered by any officer authorized by law to administer oaths: "I do solemnly swear that I will faithfully discharge the duties devolved upon me as mayor (or alderman, as the case may be) of the city of Thomaston, that I will faithfully execute and enforce the laws of said city, to the best of my ability, skill and knowledge, and that I will do all in my power to promote the general welfare of the inhabitants of said city and the common interest thereof. So help me God." And on the first day of January of each year thereafter the mayor and aldermen elect, or the aldermen elect, shall be installed in office by taking and subscribing said oath. If the first day of January be on Sunday, the installation shall be on the Monday following.

Sec. 12. Be it enacted by the authority aforesaid, That the present officers of the town of Thomaston, to wit: Jas. R. Atwater, mayor; J. A. Yates, M. W. Reid, C. E. Bethel and W. L. Skelton, councilmen, be, and they are, hereby declared lawful officers of the city of Thomaston, under this charter, until the first day of January, 1898, and until their successors are elected and duly qualified, as provided in this charter.

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Vacancies. Sec. 13. Be it enacted by the authority aforesaid, That in case of a vacancy in the office of mayor or aldermen, caused by death, resignation, failure to elect, removal from the city, or otherwise, said vacancy shall be filled by an election ordered by the city council, to take place not less than thirty days from the time such vacancy occurs, under the same rules and regulations that govern the regular elections of mayor and aldermen of the city. Notice of said election shall be given by the clerk of the city council, by posting copies of the order calling the election at three or more public places in said city for two weeks before said election is to take place, or by publishing the same for two weeks before the election is to take place in the newspaper published in the city of Thomaston in which the sheriff's advertisements are published.

Qualifications of mayor and aldermen. Sec. 14. Be it enacted by the authority aforesaid, That the chief executive officer of the city of Thomaston shall be the mayor, who shall be a citizen of the United States, a qualified elector, a resident of the city of Thomaston, and shall hold his office for two years, and until his successor is elected and qualified. All the aldermen of said city shall be citizens of the United States and qualified electors residing in said city of Thomaston. Should the mayor, or any alderman, during the term of his office, remove from the limits of the city, his office shall thereby become vacant.

Veto of mayor. Sec. 15. Be it further enacted by the authority aforesaid, That the mayor shall preside at the meetings of the city council, but shall not be allowed to vote except in the elections by the council of the officers of said city. The mayor shall have the right and power to veto any ordinance or resolution passed by the city council, and the right and power to veto any ordinance or resolution passed by the council appropriating money. All ordinances or resolutions passed by the city council shall be transmitted by the clerk of the council to the mayor of the city, and the same shall not become operative as a resolution or ordinance of the city council unless the same is approved by the mayor and returned to the city council by its next regular meeting, or unless the mayor fails by the next regular meeting of said city council to approve or disapprove such resolution or ordinance. In case said mayor should fail to approve or disapprove such ordinance or resolution, or in case he disapproves the same, such ordinance or resolution shall be reconsidered by the city council, and in case it receives a majority vote of the whole council it shall become a law.

Mayor, general powers of. Sec. 16. Be it enacted by the authority aforesaid, That the mayor of said city shall see that all the laws, ordinances and resolutions of the city are faithfully executed and enforced, and that all

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the officers of the city shall faithfully discharge the duties required of them; he shall have general jurisdiction of the affairs of the city; he may exercise within the city limits the powers conferred upon sheriff and constables to suppress disorder and keep the peace; he shall have power, when necessary, to call on every male inhabitant of the city, over eighteen years of age, to aid in suppressing riot or disorderly assemblages of any kind, or to aid in enforcing the laws and ordinances of the city; he shall have power to inspect the books, records and papers of any agent, employee or officer of the city; he shall from time to time, and at the end of each official year, give the city council information relative to the affairs of the city, and shall recommend for the consideration of the city council such measures as he may deem expedient. The finance committee of the city council shall make to the city council monthly reports of the financial condition of the city, and the city council shall have the same published, as soon as practicable after the same is rendered, in the newspaper published in Upson county in which sheriff's advertisements are published.

Sec. 17. Be it enacted by the authority aforesaid, That the city council shall, at the first meeting of the same after election and qualification, elect the police officers of the city, a clerk and treasurer, who shall hold their office for one year, unless convicted before the mayor and council of failure to discharge their several duties, and until their successors are elected and qualified. The city council shall also, at said first meeting after their election and qualification, elect one of their members as mayor *pro tem.*, who shall, in the absence of the mayor, be the presiding officer of the city council, and shall be allowed to vote on all questions, and who shall, in the absence or disqualification of the mayor, exercise all the functions of the office of mayor; and all the duties, powers, rights and privileges conferred by this charter upon the mayor, may and shall be exercised by the mayor *pro tem.* in the absence or disqualification of the mayor, or when the mayor from sickness or from other reason is unable to act. Police and officers.

Sec. 18. Be it enacted by the authority aforesaid, That at said first meeting of the city council they shall fix the salaries of the police officers of the city and of the clerk and treasurer of the council, and the salaries of the mayor, mayor *pro tem.* and the aldermen, the salaries to remain fixed and unchanged for the year, and shall require of each of the subordinate officers of the council an oath provided by ordinance for the faithful performance of their several duties, and a bond and security in such sum as may be fixed by ordinance for the diligent and Salaries.

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faithful performance of the duties of their several offices. The aggregate amount of the salaries of the mayor, mayor *pro tem.* and aldermen, clerk and treasurer of the city council shall not exceed one-tenth of one per cent. of the taxable property of the city, as shown by the valuation of the preceding year.

Tax
assessors.

Sec. 19. Be it enacted by the authority aforesaid, That said mayor and aldermen shall, by their first regular meeting in March of each and every year, appoint or elect a tax-assessor or assessors, should more than one be necessary, who shall each be freeholders, owning real estate in the city of Thomaston, to assess the taxable real estate of said town, and to receive the returns of personal property under oath, and perform such other service as may be, by ordinance, required in connection with said office. It shall be the duty of said tax-assessor, or assessors, to place a just, fair and equitable valuation on property within the corporate limits of said town, and when the owner of personal property fails to return same for taxation it shall be their duty to place a just, fair and equitable valuation on same and double the said valuation, and enter said double valuation upon the tax digest, with an entry thereon showing that the same was double taxed. The tax-assessor, or assessors, shall give notice by publication in the newspaper in which the legal advertisements of Upson county are published, once a week for two weeks, of the time when they will begin receiving tax returns, and the time when the books for receiving same will be closed. In no event shall the books for receiving same be kept open for less than thirty days.

Assess-
ments.
Appeals.

Sec. 20. Be it enacted by the authority aforesaid, That should any property owner be dissatisfied with the assessment of his or her property, he or she shall have the right to appeal from said assessment to the city council; *provided*, such appeal be made within thirty days from the time fixed for the return of the assessor, or assessors, of the tax digest to the city council, which return shall be made by the first of August each year.

Mayor's
court.

Sec. 21. Be it enacted by the authority aforesaid, That the mayor, or in his absence or disqualification, the mayor *pro tem.*, or in case of the absence or disqualification of both the mayor and the mayor *pro tem.*, any member of the city council may hold the mayor's court for the trial of all offenders against the laws and ordinances of said city as often as necessary. Said court shall have the power to preserve order, compel the attendance of witnesses and punish for contempt. The punishment for any violation of a city law, ordinance or rule, or for con-

 Thomaston, City of Incorporated.

tempt, shall be a fine not exceeding one hundred dollars, imprisonment in the guard-house or county jail, by permission of the county authorities, not exceeding ninety days, work on the street chain-gang or other public works of the city, under the supervision of the chief of police or the marshals of the city, not exceeding ninety days, one or more or all of these, at the discretion of the trial court, and in addition thereto such costs of the proceedings as may be incurred. Any person convicted before the mayor, mayor *pro tem.* or any member of the city council sitting as a mayor's court, for any violation of the laws or ordinances of the town, may enter an appeal from the judgment of said court to the mayor and aldermen of the city sitting in council, provided the appeal be entered instantler, and provided that all costs are first paid and bond given to abide the decision of said council; and any person convicted on such appeal by the mayor and aldermen, sitting in council, may have the right of *certiorari* to the superior court of Upson county, provided that all costs are first paid and bond given in double the amount of the fine imposed, which bond shall be approved by the mayor, for the appearance of the defendants to answer the final judgment or decree of the court; *provided*, that nothing in this section shall prevent the applicant for *certiorari* from filing the proper pauper affidavit in lieu of the payment of cost or giving the bond as now required by law.

Sec. 22. Be it enacted by the authority aforesaid, That the mayor of said city is hereby authorized to issue warrants for the arrest of all persons charged upon affidavits before him made with having committed within the limits of the city of Thomaston offenses against any penal law of this State, and to take the examination of such persons, and the same to discharge or commit to prison or let to bail, according to law, to answer such charge before the proper court having jurisdiction, in the same manner as justice of the peace of the several counties of the State now or hereafter may have by law, all of which warrants shall be addressed to "The chief of police of Thomaston, or any marshal, or deputy marshal thereof, and to all and singular the sheriff, deputy sheriffs and constables of this State," and any one of said officers shall have the same authority to execute said warrants as the sheriffs of the State have to execute criminal warrants.

Sec. 23. Be it enacted by the authority aforesaid, That if on the trial of any person before the mayor, mayor *pro tem.* or mayor and aldermen sitting in council, for a violation of any

Warrants
for arrest.

Commit-
ments.

 Thomaston, City of Incorporat'ed.

ordinance or law of the city, it shall appear that such person is probably guilty of an offense against the penal laws of the State, it shall be the duty of the court trying such person to commit such person to prison or let to bail to answer before the court having jurisdiction of the same for the offense committed.

Arresting
officers,
powers of.

Sec. 24. Be it enacted by the authority aforesaid, That it shall be lawful for the chief of police of the city, the marshal, or any special policeman lawfully appointed, to arrest without warrant any and all persons within the corporate limits of said city who are at the time of said arrest, or who before that time have been, guilty within said limits of disorderly conduct, public indecency, quarreling, fighting or a violation of any of the laws or ordinances of said city, and to hold said person so arrested until a hearing of the matter before the proper officer can be had; and to this end said arresting officers are authorized to imprison and confine any person arrested by them in the city guard-house or in the common jail of Upson county, for a reasonable length of time. Said chief of police, marshals or any special policemen may have power and authority to call to his assistance to arrest and detain such offenders the sheriff of Upson county or his deputies, or any constable of said county, or any by-standers, and such persons, when so summoned, shall be bound to aid and assist said officers, and should they fail to do so they, or either of them, shall be liable to be prosecuted in the mayor's court, and upon conviction shall be punished as prescribed in section 21 of this Act.

Appear-
ance bonds.

Sec. 25. Be it enacted by the authority aforesaid, That the chief of police, marshal, or special policemen, shall have the right, power and privilege (though they shall not be compelled) to release any person arrested within the corporate limits of the city upon said person giving a bond, to be approved by the chief of police or the mayor of said city, payable to the city of Thomaston, conditioned to pay the obligees in said bond an amount fixed by the chief of police or the mayor of said city, in the event said person arrested does not appear before the corporate authorities of the city at the time and place specified in the bond, and from time to time till said person arrested is tried for the offense for which he or she was arrested.

Forfeiture
of.

Sec. 26. Be it enacted by the authority aforesaid, That if any person who has been arrested charged with a violation of any law or ordinance of the city of Thomaston, and has given bond for his or her appearance before the proper corporate authorities to answer such charge, fails to appear at the time and place fixed and recited

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in the bond, said bond shall be forfeited and a rule *nisi*, directed to the principal and the securities, shall issue directing and requiring them to show cause before the mayor's court, at a sitting of said court to be held not less than sixty days from the time of the forfeiture *nisi*, why the bond shall not be absolutely forfeited, copies of which rule *nisi* shall be served upon the principal and sureties on the bond at least twenty days before the sitting of the court to which it is made returnable, either personally or by leaving same at the most notorious place of abode of the person upon whom service is perfected, or by publishing the same once a week for four weeks prior to the sitting of the court to which the same is made returnable, in the newspaper published in said city in which the sheriff's advertisements are published. If at such return term no sufficient cause be shown to the contrary, the forfeiture shall be made final and absolute, and execution shall issue against the principal and securities on said bond, or such of them as have been served, for the full amount thereof and all cost, which execution shall be signed by the clerk of the council and the mayor of said city, and shall have the same lien and binding effect upon the property of the defendants therein as execution issued upon judgments in justices' or superior courts. Said executions shall be directed to "The chief of police of the city of Thomaston, or any marshal or deputy-marshal thereof, and to all and singular the sheriffs, the deputy-sheriffs or constables of this State," by any one of whom the same may be executed.

Sec. 27. Be it enacted by the authority aforesaid, That the mayor and aldermen of said city are authorized to purchase real estate in the city of Thomaston and erect thereon a building in which said corporate authorities and the officers of said city may transact the public business of said city, and in which to keep the records, archives and property of said city, and a building for a city prison or guard-house, and such other buildings as may be necessary or convenient for carrying on the government of said city; that said mayor and aldermen are authorized to levy and collect a tax upon all the property, real and personal, within the limits of said city, not to exceed two-tenths of one per cent. per annum, with which to pay for said land and said buildings, out of said taxes so levied and collected; *provided, however*, that the city council shall not have the right or power to levy or collect said tax until the same is submitted to and approved by a majority of the qualified voters of the city of Thomaston, and which election shall be held under the same rules and regulations and with the same notice required by the charter in case of an election to fill a vacancy in

Public
buildings.

 Thomaston, City of Incorporated.

the office of mayor or alderman. Those favoring the levying of said tax shall vote in said election "For levying tax," and those opposed to same "Against levying tax," and if a majority of the qualified voters vote in said election in favoring the levying of said tax the mayor and council of said city shall be authorized to levy and collect the same.

Street tax. Sec. 28. Be it enacted by the authority aforesaid, That all male persons over the age of sixteen years and under the age of fifty years, who have resided in the corporate limits of said city ten days, shall be subject to work on the streets, alleys and sidewalks within said limits, each and every year, not exceeding ten days each year, or to pay a commutation tax each year in lieu of working said streets, alleys and sidewalks, not exceeding five dollars each year, and said mayor and aldermen shall have the right and power to compel said persons to work said streets, alleys and sidewalks not exceeding ten days each year, or to pay a commutation tax therefor not exceeding five dollars each year; and in the event any such person fails to do such work, or to pay such commutation tax as may be fixed by the by-laws and ordinances of said city, after being notified by the chief of police, or marshal, or any policeman or marshal of said city, in writing, one day beforehand, to do said work or pay said tax, such person, for such refusal or failure, shall be subject to be arrested by the chief of police, marshal, or any officer of said city, and punished on such charge being preferred against him in the mayor's court, by being compelled to work on the streets, alleys and sidewalks of said city not exceeding thirty days, and to pay a fine of fifteen dollars, or less, and to be imprisoned in the city prison or guard-house not exceeding thirty days, or being compelled to do either one or more, or all of these things, for each and every day he so fails and refuses.

Finances. Sec. 29. Be it enacted by the authority aforesaid, That the city council shall have the power to control the finances and property of the city; to appropriate money, and to provide for the payment of the debts and expenses of the corporation.

General and special taxes. Sec. 30. Be it enacted by the authority aforesaid, That the city council shall have power to levy and collect taxes for general and special purposes upon all real and personal property within said city; to provide for the levying and collection of a business or occupation tax upon any trade, business, profession or occupation, except such as are exempt by law, carried on within the city limits, and upon the inhabitants of said city who engage in, or offer or attempt to engage in, any profession, business or occupation in said city, and on such persons as live without the limits of said city, but who

 Thomaston, City of Incorporated.

- engage in, or attempt or offer to engage in any profession, business or occupation, not exempt by law, within the limits of said city, as said mayor and aldermen may deem expedient for the safety, benefit, convenience and advantage of said city. This tax shall be in the nature of a license, which must be paid in advance of practicing or engaging in such profession, trade, business or occupation; and the mayor and aldermen shall provide by ordinance for the punishment of all persons required by ordinances to pay such occupation tax, or take out license for same, who engage in, or offer or attempt to engage in such business, profession or occupation, before paying such tax or taking out such license, and complying fully with all the requirements of the city council made in reference thereto.

Sec. 31. Be it enacted by the authority aforesaid, That the city council shall have power to require a license to be paid by all theatrical performances, shows, circuses, menageries and exhibitions of any kind for gain, and upon all itinerant traders or peddlers, all venders of patent or proprietary medicines, drugs, books, nostrums or devices of any kind; of all solicitors or canvassers selling goods, wares, merchandise, or other things by retail to customers; of all agents of fire, accident or life insurance companies doing business in said city; and to provide by ordinance for the punishment of any person or persons who may engage in or attempt or offer to engage in such business or calling without first having taken out the license required by law, or for the collection of the license by issuing executions therefor, as executions are issued and collected for *ad valorem* taxes.

Sec. 32. Be it enacted by the authority aforesaid, That the clerk of the city council shall issue execution, which execution shall be countersigned by the mayor or mayor *pro tem.*, for any and all taxes, or fines, or license fees, or assessments, or forfeitures, or demands, due said city or its corporate authorities, against any person owing the same, or any property subject thereto, directed to "The chief of police of the city, to any marshal thereof, and to all and singular the sheriffs, deputy sheriffs and constables of this State," commanding them that of any property belonging to the persons against whom said execution issues, or of certain property described in the execution, to make by levy and sale thereof the amount due upon said execution and costs. Said execution shall have the same force and binding effects as other executions for taxes; in case it is for *ad valorem* taxes due the city, and in case it is for other licenses, forfeitures, fines or demands due the city, shall have the same force and binding effect as executions issued from the superior courts and justices' courts of this State, and may be levied by any officer to

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whom it is directed upon any property in said State subject to said execution. The same rights and privileges shall belong to the person against whom said executions issue to file an illegality to said execution, and to any person not a party to said execution to file a claim to the property levied on and give bonds, as if said execution issued from a justice's or superior court of this State; and if the amount claimed on said execution is less than one hundred dollars, all the papers connected with said claim of illegality case shall be returned to the justice's court of the district in which the city of Thomaston is situated for trial, and said claim of illegality case shall be there tried as claim of illegality cases are tried by law in said court. If the amount claimed on said execution is more than one hundred dollars, or the property levied on and claimed is real estate, then all the papers in said case shall be returned to the superior court of Upson county, or in case the real estate levied on and claimed lies in some other county, then to the superior court of the county in which the real estate levied on and claimed is situated, in which court said case shall be tried and determined as such cases are by law tried and determined in said courts. The officers making sale under said executions shall execute title to property sold and put the purchaser in possession of the same.

Taxes,
when due.

Sec. 33. Be it enacted by the authority aforesaid, That the city council shall have the power and authority to provide by ordinance when the taxes of said town shall fall due, and tax executions shall be issued against all persons who have not paid their taxes by the time fixed and defined by ordinance.

Right of
condem-
nation.

Sec. 34. Be it enacted by the authority aforesaid, That the city council of said city shall have the right to condemn and appropriate, as hereinafter provided, private property for public use; to lay off and open new streets, alleys, lanes or other ways for the convenience of the public, or any citizens of said city; to vacate,

Streets, etc.

close, alter, widen, curb, pave and keep in good order and repair all streets, avenues, alleys, lanes, sidewalks, and to construct and keep in repair drains, sewers and gutters; to improve and light the streets, public parks and grounds; to furnish water and lights for private use and charge therefor; to keep all public grounds, streets, sidewalks, cross-walks, alleys, lanes or other ways free from obstructions of any kind; to regulate the width of sidewalks and cross-walks on the streets; to grade and change the grade of all streets, sidewalks, cross-walks, avenues, alleys, lanes or other ways; to require adjacent land owners or lessees to curb, pave or improve sidewalks at their own expense under direction of the authorities of said city, and upon failure of the land owners or

Thomaston, City of Incorporated.

lessees to do so, the authorities of said city may have such work done and collect the cost thereof from the adjacent landowners or lessees by execution, as other taxes are collected.

Sec. 35. Be it enacted by the authority aforesaid, That in all cases where the authorities of said city see proper to open any new street, or to widen any street, lane or alley, or in any way to change the same, it shall be lawful for them to have said street, lane or alley, or the proposed change in same, surveyed and marked; and before proceeding to open the same, they shall give notice in writing to the owner of the land through which said street, lane or alley is to be opened, widened or changed, twenty days, during which it shall be lawful for such owner, his agent or attorney, in case he cannot agree with said authorities as to the amount of damages, to file objections to the opening of said new street, lane or alley or to widening or changing the old street, lane or alley, and make claim for damages which may result to such owner. In case no objection and claim for damages is filed within said twenty days, it shall be lawful for the city council to proceed at once to open said street, lane or alley, or to make such change in any old one agreeable to the survey made before the commencement of the proceedings, and the owner of the land through which said new street runs, or such change is proposed to be made, shall be estopped from thereafter claiming any damages by reason of the opening of said new street, or changing or widening any old one. In case objections are filed and damages claimed, it shall be the duty of the mayor of said city to select one disinterested freeholder, resident in said city, and the owner or his agent shall select another, and they two a third (and in case the said owner shall refuse to select an assessor, the ordinary of Upson county shall appoint one for him, on application to him reciting said fact by the mayor of said city), and the three assessors so chosen, after having such evidence as may be offered by either party, shall proceed to assess the damages resulting therefrom; *provided*, either party being dissatisfied with said award, shall have the right to appeal from the same to a jury in the superior court of Upson county, under the law governing appeals in other cases.

Sec. 36. Be it enacted by the authority aforesaid, That the city council shall have the right and power to regulate the use of all sidewalks, cross-walks and structures over or under the same; to require the owner or occupant of any premises to keep the sidewalks in front of or along the same free from all obstructions; to regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter into any street, avenue, alley

New
streets,
etc., how
opened.

Super-
vision of
sidewalks,
etc.

Thomaston, City of Incorporated.

or public place within the city, or into any stream of water within the city, and to prevent any injury of any kind to any street, alley or public grounds of the city.

Supervision of streets.

Sec. 37. Be it enacted by the authority aforesaid, That the city council shall have the right to provide for and regulate curbs and gutters that flow into the streets or on the sidewalks of the city; to regulate or prohibit the use of streets and public grounds for signs, sign-posts, awnings, telegraph and telephone poles, horse-troughs, racks, and posting hand-bills and advertisements; to regulate or prohibit the carrying of banners, placards and hand-bills in the streets or public places of the city.

Police powers.

Sec. 38. Be it enacted by the authority aforesaid, That the city council shall have the right and power to regulate traffic and sales upon the streets and public places of the city; to regulate the speed of horses or other animals, vehicles, bicycles or other means of locomotion, cars and locomotives within the limits of the city; to suppress rowdy or disorderly houses, houses of ill-fame or assignation within the limits of the city; to suppress gaming or gambling houses, lotteries and all fraudulent devices and practices for the purpose of gambling or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

Fire limits.

Sec. 39. Be it enacted by the authority aforesaid, That the city council shall have the right and power to prescribe the limits within which wooden buildings or structures of any kind shall not be erected, placed or repaired without permission of said city council; to provide that any and all buildings within said limits, which shall be known as the fire-limit, which shall have been damaged by fire, decay or otherwise to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage, and the damage sustained by the owner, by reason of being thus compelled to tear down or remove such building. In case of an offense against such fire regulations the city council, after having given five (5) days' notice, shall cause any building not fire-proof, so erected in violation of the ordinances of said city, to be removed at the expense of the owner or builder thereof, to be collected by execution as in cases of other executions issued by said city; and said city council shall have the right and power to determine what are, and what are not, fire-proof buildings within the meaning of said ordinances; said city

Thomaston, City of Incorporated.

council shall have the right and power to prohibit and prevent the dangerous construction of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used about any building or manufactory, and to cause the same to be removed or placed in safe condition at the expense of the owner when, in the opinion of the city council, it is necessary to do so in order to insure safety against fire.

Sec. 40. Be it enacted by the authority aforesaid, That the city council shall have the right and power to provide for the inspection of steam boilers, to regulate or prevent the storage of gunpowder, tar, pitch, rosin, coal-oil, benzine, naphtha, turpentine, hemp, cotton, petroleum, nitro-glycerin, dynamite, and any other combustible or explosive substance or material, and the use of lights in stables, shops or other places, and the building of bonfires; also to regulate or prevent the use of fireworks, fire-crackers, torpedoes, roman-candles, sky-rockets and other pyrotechnic displays.

Sec. 41. Be it enacted by the authority aforesaid, That the city council shall have the right and power to declare what shall be a nuisance and to abate the same, and to provide for the punishment of persons who may create, continue or suffer nuisances to exist; to appoint a board of health for the city of Thomaston, and prescribe their powers and duties; to establish and maintain a quarantine against contagious or infectious diseases; to do all acts and make all regulations which may be necessary or expedient for the promotion of the morals, health or temperance of the residents of said city, or for the suppression of disease; to establish and regulate cemeteries within or without the corporation, and to acquire lands therefor by gift, inheritance or otherwise; to prevent the establishment of any unwholesome or offensive business or establishments within the limits of the corporation; to compel the owner or user of any cellar, stable, pig-sty, privy, sewer or any other unwholesome or nauseous house or place to cleanse, abate or remove the same, and to regulate the location thereof.

Sec. 42. Be it enacted by the authority aforesaid, That the city council shall have the power and authority to punish for the unlawful sale of spirituous or intoxicating or malt liquors, or bitters or liquors of any kind which, if drunk to excess, will produce intoxication. No license for the sale of spirituous wines, malt or intoxicating liquors or bitters shall be granted or allowed by said city council.

Sec. 43. Be it enacted by the authority aforesaid, That the

Thomaston, City of Incorporated.

Corporate powers.

city council of said city shall have power to pass any ordinance, not in conflict with the Constitution or the laws of this State or the United States, to prohibit the storage or keeping or selling of wines, beer, malt, alcoholic or intoxicating liquors of any kind for any illegal purpose within the corporate limits of said city, and to punish any person for violating the said laws or ordinances.

Processes and other writs.

Sec. 44. Be it enacted by the authority aforesaid, That all processes, writs and subpoenas issued in behalf of said city shall be directed to the chief of police of said city, and signed in the same manner as executions. All sales under execution by the chief of police or marshal of said city, if of personal property, shall be advertised by posting the advertisements of such sales at three or more public places in said city for ten days before the sale, and if the sale is of real property, the chief of police or marshal shall advertise the same once a week for four weeks in the newspaper in which sheriff's advertising for the county is done, and shall sell such real estate in front of the court house door, within the legal hours of sheriff's sales, only on first Tuesdays. In case the property sold is personal property, the sale shall take place before the court house door, after advertisement as aforesaid, in the same manner as constables' sales are now governed by law.

Bonds and other indebtedness.

Sec. 45. Be it enacted by the authority aforesaid, That the city council of said city shall have the power and authority to contract debts and issue bonds of said city under and in accordance with the limitations provided in the Constitution of the State and the general laws of the State applicable to municipalities, and with the funds arising from the sale of any bonds thus issued, may refund existing debts, establish and maintain a system of waterworks, a system of lights, erect public buildings, or any other improvement, convenience or necessity for the use of the citizens of said city, and to create a debt and issue bonds of said city for any other lawful purpose under the limitations herein stated.

General powers.

Sec. 46. Be it enacted by the authority aforesaid, That to carry into effect the powers conferred upon said city council by this Act or any future Acts of the Legislature of this State, and for the preservation of peace, good order, temperance and morality in said city, the city council shall have the power and authority to make and pass all needful by-laws, ordinances, resolutions, rules and regulations not contrary to the Constitution and laws of this State.

 Thomaston, Authorized to Issue Bonds for Schools.

Sec. 47. Be it enacted by the authority aforesaid, That all legal contracts heretofore entered into by the town of Thomaston, or the corporate authorities thereof, shall be good and valid for or against the city of Thomaston to the same extent that they would have been good and valid for or against the town of Thomaston had this Act not been passed, and all rights and liabilities of the town of Thomaston shall accrue and survive to and against the city of Thomaston. All property, and the right thereof, now held and owned by the town of Thomaston shall be and become the right and property of the city of Thomaston. Municipal contracts.

Sec. 48. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 2, 1897.

 THOMASTON, AUTHORIZED TO ISSUE BONDS FOR SCHOOLS.

No. 261.

An Act to authorize the city council of the city of Thomaston, in Upson county, to issue and sell bonds for the purpose of building and completing an auditorium for the R. E. Lee Institute in said city, and completing, improving and equipping said R. E. Lee Institute building; and for improving and equipping the school building of the colored citizens of said city known as the "Thomaston Star School;" to provide how and by whom the money realized from the sale of said bonds shall be disbursed; to authorize the city council to provide for the payment of the principal and interest of said bonds by levying a tax therefor, and to provide for an election to ratify the provisions of this Act, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the city council of the city of Thomaston, in the county of Upson, be, and it is, hereby authorized to issue bonds, not to exceed in the aggregate ten thousand dollars, of the denomination of one hundred dollars each, to become due and payable at such time or times within thirty years after the date of the issue thereof, and bear interest not to exceed seven Thomaston authorized to issue bonds.

 Thomaston, Authorized to Issue Bonds for Schools.

per centum per annum, as said city council shall determine; *provided*, that the sum for which said bonds are to be issued shall not exceed seven per centum of the assessed value of the taxable property in said city of Thomaston.

Tax for
interest
and sinking
fund.

Sec. 2. Be it further enacted, That the city council of said city shall assess, levy and collect annually upon all taxable property, real and personal, of said city a tax not to exceed three mills on the dollar, in addition to the taxes assessed and collected for the current expenses of said city, and in the same manner that taxes of said city are assessed and collected, for the purpose of paying the interest on said bonds as the same shall become due, and to provide a sinking fund for the redemption of said bonds as the principal of said bonds shall mature.

Bonds,
how signed.

Sec. 3. Be it further enacted, That said bonds and the interest coupons shall be signed by the mayor of the city of Thomaston and countersigned by the clerk of the city council under the corporate seal of the city, and shall be negotiated in such manner as said city council shall determine to be for the best interests of said city.

Proceeds
of.

Sec. 4. Be it further enacted, That when said bonds have been issued and sold as herein provided for, said city council shall turn over and deliver to the board of trustees of R. E. Lee Institute such *pro rata* or part of the proceeds of the sale as may be based upon the taxable property of the white persons in said city, according to the valuation of the preceding year, to be by said board of trustees and the committee from the city council, hereinafter designated, applied to the erection and completion of an auditorium for the R. E. Lee Institute, and for the completion, improvement and equipment of R. E. Lee Institute building, as said board of trustees and committee from the city council, acting conjointly, shall direct; and to turn over and deliver to the board of trustees of the Thomaston Star School, the school for colored citizens in said city, such *pro rata* or part of the proceeds of such sale as may be based upon the taxable property of the colored citizens of said city, according to the valuation of the preceding year, to be by said board of trustees and the committee from the city council, hereinafter designated, applied to the completion and equipment of the Thomaston Star School building, as said board of trustees and committee from the city council, acting conjointly, shall direct.

Sec. 5. Be it further enacted, That the mayor of the city of

Thomaston, Authorized to Issue Bonds for Schools.

Thomaston shall appoint three members of the city council of Thomaston as a building committee, to act in conjunction with the board of trustees of R. E. Lee Institute, for the purpose of carrying out the provisions of this Act, and a similar committee of three members of the city council of Thomaston as a building committee, to act in conjunction with the board of trustees of the Thomaston Star School, for the purpose of carrying out the provisions of this Act. ^{Building committee.}

Sec. 6. Be it further enacted, That the provisions of this Act shall not have effect until the same shall have been submitted to the qualified voters of the city of Thomaston and approved by a two-thirds vote of the qualified voters of said city. ^{Election for bonds.}

Sec. 7. Be it further enacted, That immediately after the passage of this Act, or so soon thereafter as is expedient, said city council shall order an election to be held in said city, and shall give notice thereof for the space of thirty days next preceding the election in the newspaper published in said city in which sheriff's advertisements for the county are published, notifying the people (qualified voters) that on the day named an election will be held to determine the question whether bonds shall be issued by said city, which notice shall specify the amount of bonds to be issued, for what purpose, what interest they are to bear, how much principal and interest are to be paid off annually, and when said bonds are to be fully paid off. That said election shall be held on the day named in said published notice at the voting precinct of said city, and shall be held by same persons in the same manner and under the same rules and regulations that elections for mayor and aldermen of said city are required to be held; and the same qualifications of voters at said election shall be required as are required of voters at the election of mayor and aldermen of said city. That the managers of said election under this Act shall make returns of the election to the city council of the said city on the day after the election, and said city council and said managers of election (who bring up the returns) shall consolidate said returns and declare the result, which result shall be published within ten days after the election is held. That the ballots cast at said election shall contain the words "For bonds," or the words "Against bonds," and unless a two-thirds majority of all the voters of said city who are qualified to vote at said election shall vote "For bonds," then this Act shall not become a law. ^{When and how held.}

Thomasvil e, Charter of Amended.

Repealing
clause. Sec. 8. Be it further enacted, That all laws and parts of laws in conflict with this Act shall be, and the same are, hereby repealed.

Approved December 16, 1897.

THOMASVILLE, CHARTER OF AMENDED.

No. 303.

An Act to amend the charter of the city of Thomasville, approved October 3d, 1889, so as to provide for the election of eight aldermen, instead of six, as heretofore; to create a board of registrars for said city, and to extend the corporate limits and jurisdiction of said city, for police purposes only, and for other purposes.

Thomas-
ville.

Govern-
ment of.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the charter of the city of Thomasville, in said State, referred to in the caption of this Act, be and the same is hereby amended by striking out all of the second section thereof, and substituting therefor the following: "The government of said city shall be vested in a mayor and eight aldermen;" and further by striking the word "six" in the fourth section of said Act or charter, and wherever it appears in said Act immediately preceding the word "aldermen," and inserting instead thereof the word "eight."

Registrars.

Sec. 2. Be it further enacted by the authority aforesaid, That the mayor and aldermen shall, each year, and not later than the first Monday in December thereof, elect by ballot three citizens of said city who shall constitute and be known as a "Board of Registrars" for the same. They shall qualify by taking the following oath before any officer authorized by law to administer oaths, to wit: "I swear that I will diligently and impartially examine and revise the registration list of the city of Thomasville according to the laws governing the same, to the best of my ability, so help me God;" which oath shall be subscribed by them and filed with the city clerk for record on his minutes. The city treasurer, as soon as possible after the closing of the registration books, shall deliver the same, together with three printed lists of the names of persons registered therein, to said board of registrars, whose duty it shall be to diligently and thoroughly examine the same for the purpose of ascer-

taining if any person has registered illegally, and to this end may summon all persons as to whose right to register they may entertain any doubt, either from examination of the tax-books of the city, the State or county, the criminal record, or for any other cause, to appear before them and show why their names should not be stricken from the registration books and lists. Said summons shall be served by the marshal or any policeman of said city. Should said examination show to the satisfaction of a majority of said board that the person summoned is not entitled to registration under existing laws, his name shall be stricken from said book and list; and should he fail to appear as required, they shall proceed as though he was present. After a thorough examination and revision, said board shall return said book and one of said lists to the city treasurer under their certificate as correct, who shall have alphabetical lists of all the names remaining thereon printed, and three copies thereof furnished to the election managers on the day of the annual election for mayor and aldermen, certified to by him as a correct copy of the registration list for said city, as revised by the board of registrars. And no person shall be allowed to vote at said election whose name does not appear upon said list. Said registrars shall be paid out of the city treasury such amount, not exceeding twenty-five dollars (\$25.00) each, as may be fixed by the mayor and council.

Sec. 3. Be it further enacted by the authority aforesaid, That the corporate limits of said city of Thomasville are hereby extended, for police purposes only, so as to include all of the lands adjoining the southern corporate line as now established, and lying between the following boundaries, streets, or highways: Gordou avenue on the west; Junius avenue on the south; Blackshear street on the east; Broad street and the present corporate line on the north, and including said streets and highways. Also, all of the lands beyond the present eastern corporate line of said city lying between the Coffee and Boston public roads, including said roads and extending to the eastern boundary lines of the T. C. Mitchell lands, known as "Trout Lake" farm; these extensions to be subject to such police regulations as may be adopted by the mayor and aldermen of said city, but not subject to taxation, nor the residents thereof entitled to vote at any city election.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 18, 1897.

Tifton, Charter of Amended.

TIFTON, CHARTER OF AMENDED.

No. 275.

An Act to amend section 14 of the Act incorporating the city of Tifton, approved December 29th, 1890, by authorizing the mayor and council of said city to levy a special *ad valorem* tax, not to exceed one-quarter of one per cent., for the purpose of obtaining public lights for said city, and for other purposes.

Tifton,
charter of
amended.

Ad valorem
tax.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That section 14 of the Act incorporating the city of Tifton, approved December 29th, 1890, be amended by substituting instead of the words following the word "State" in the fifth line of said section, the following: For defraying the ordinary expenses of said city government; and a further *ad valorem* tax on all property, real and personal, in said city, taxable under the laws of this State, not exceeding one-quarter of one per cent., for the purpose of securing public lights for said city, so that said section, when amended shall read as follows: That the mayor and city council shall have full power to levy and collect all *ad valorem* tax, not to exceed one-half of one per cent., upon all property, real and personal, within the incorporate limits of the city, which is taxable under the laws of this State, for defraying the ordinary expenses of said city government, and a further *ad valorem* tax on all property, real and personal, in said city, taxable under the laws of this State, not to exceed one-quarter of one per cent., for the purpose of securing public lights for said city.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws in conflict with the foregoing be, and the same are, hereby repealed.

Approved December 16, 1897.

Toccoa, City of Incorporated.

TOCCOA, CITY OF INCORPORATED.

No. 309.

An Act to incorporate the city of Toccoa, in Habersham county, Georgia; to change the name of Toccoa City in the county of Habersham to the "City of Toccoa;" to provide that all property now held and owned by Toccoa City shall be and become the right and property of the City of Toccoa, and that all rights and liabilities of Toccoa City shall accrue to and against the "City of Toccoa;" to provide that all laws and ordinances of Toccoa City not in conflict with this charter shall be valid and enforceable as laws and ordinances of the City of Toccoa; to define the limits of the City of Toccoa; to confer municipal powers on the City of Toccoa, and provide municipal government therefor; to support and maintain the public school system; to construct and maintain a system of sewerage; to regulate fire, sanitary and police protection; to raise revenue by taxation and specific license or otherwise; to make contracts and issue bonds; to defray the expenses of city government; to grant franchises to railway, electric lights, telegraph, telephone, waterworks and other companies, and such other franchises as may be deemed necessary; or prohibit the same, and to grant a charter to said city under the corporate name of the City of Toccoa, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the city of Toccoa in the county of Habersham be, and the same is, hereby incorporated under the name and style of the "City of Toccoa," and by that name may have perpetual succession, may have and use a common seal, may sue and be sued, plead and be impleaded in any court of law or equity in the State, may purchase, have, hold, receive, enjoy and retain to themselves and their successors in office, for the use of the city of Toccoa, any estate or estates, real or personal, of whatever kind or nature, within or without the incorporate limits thereof, and may sell or otherwise dispose of the same for the benefit of said city, as they may see fit and proper, the mayor by direction of the city council making deed to any property sold or disposed of by said city.

Sec. 2. Be it further enacted by the authority aforesaid, That the central point of said city shall be the central point of the pres-

Toccoa, City of Incorporated.

ent public square, measured from the center of the building now erected on the public square.

Corporate limits. Sec. 3. Be it further enacted by the authority aforesaid, That the territorial limits of said city of Toccoa shall be one mile in every direction from said central point in said public square.

Mayor and councilmen, clerk and treasurer. Sec. 4. Be it further enacted by the authority aforesaid, That the municipal government of said city shall consist of a mayor and five councilmen, a clerk and treasurer, both of which last named officers shall give bond in such sum as may be prescribed by council, payable to the city of Toccoa, all of whom shall be elected annually, on the days fixed by ordinance, and hold their office for one year, and until their successors are elected and qualified, each of whom shall take an appropriate oath provided by ordinance before entering upon their respective duties, which oath may be administered by any person authorized to administer oaths under the laws of this State. That the council may appoint or elect such other subordinate officers as may become necessary, at any time, for the enforcement of the provisions of this charter, or any ordinance passed by said council in pursuance of the rights and powers herein conferred; all of which subordinate officers as may thus be appointed or elected shall be deemed and held to be lawful officers of this State and of the city of Toccoa. All subordinate officers or such as are elected or appointed by the mayor or by the council shall hold their office at the will of the mayor or of the council, and receive such salary as may be fixed by the mayor and council, each of whom shall take an appropriate oath before entering upon the discharge of their respective duties, and shall give such bonds as the mayor and council shall require.

Appointed. Sec. 5. Be it further enacted by the authority aforesaid, That the present officers of said town, to wit: John W. Owen, mayor, W. J. Mayes, John McJunkin, E. E. Mitchell, J. B. Simmons and T. C. Wright, councilmen, and G. T. Goode, recorder, be, and they are, hereby declared to be lawful officers of said city under this charter until the first Thursday in January, 1898 (and until their successors are elected and qualified), when an election shall be held for their successors under the laws of the State applicable and under such future rules and regulations as may be by ordinance adopted, and an election to be held annually thereafter on the same day unless changed by ordinance, which the said mayor and council may do, provided such change does not have the effect to lengthen the term of office at the time the change is made. The day of election may be changed, but the term of all officers of said city shall be one year from their election and until their successors

Election for.

Toccoa, City of Incorporated.

are elected and qualified, except in case of an election to fill a vacancy, in which case it shall be until the next regular election.

Sec. 6. Be it further enacted by the authority aforesaid, That ^{Mayor} *pro tem.* at the first meeting of the city council after their election and qualification, they shall elect one of their number as mayor *pro tem.*, who shall be the presiding officer of said city council at all the deliberation, and shall be allowed to vote on all questions, whether there be a tie or not, and who shall also, in the absence or disqualification of the mayor, exercise all the functions of the office of mayor in all and every particular whatever, and all the duties, powers, rights and privileges conferred by this charter upon the mayor may and shall be exercised by the mayor *pro tem.*, in the absence, sickness or disqualification, without being specially conferred upon the mayor *pro tem.* by this charter; that the council, including the mayor *pro tem.*, shall constitute the legislative body of said city, and three of whom shall constitute a quorum for the transaction of any and all business, but no ordinance shall be declared passed, and become a law of the city, unless it receives at least three votes in favor of its passage.

Sec. 7. Be it further enacted by the authority aforesaid, That ^{Legislative powers.} the legislative body of said city shall provide by ordinance the manner of holding elections, as well as to fix the qualifications of voters and the eligibility of citizens to hold office in said city; *provided*, such ordinance be not inconsistent with the constitution and laws of this State and United States.

Sec. 8. Be it further enacted by the authority aforesaid, That ^{Vacancies.} if any vacancy should occur in either of the offices provided for in this charter, the council, or a majority of them, may order an election to fill such vacancy, and the person or persons so elected shall hold their offices until the next regular election thereafter. Removal beyond the limits of said city corporation, or conviction of a crime involving moral turpitude in any of the courts of the State, shall vacate the office held by the person so removing or convicted.

Sec. 9. Be it further enacted by the authority aforesaid, That ^{Mayor's court.} the mayor, and in his absence or sickness the mayor *pro tem.*, and in the absence of both, any one or more members of the council, may hold the mayor's court for the trial of offenders against the laws of the city, and may exercise all the powers conferred by this charter upon the mayor, and may punish for any violation of a city law by a fine not exceeding one hundred dollars, imprisonment in the calaboose, or the county jail by permission of the county authorities, not exceeding sixty days, work on the street, chain-gang, or other public or private works, under the supervision of

Toccoa, City of Incorporated.

the chief of police or the marshals of the city, not exceeding sixty days; one or more, or all of these at the discretion of the trial court. While sitting as a court for the trial of offenders, the said court shall have power to punish for contempt by fine not exceeding fifty dollars, imprisonment or work in the manner already described in this section not exceeding fifty days, one or both, at the discretion of the trial court. There may be an appeal in any case from mayor's court to council, and judgment therein may be reviewed by *certiorari* to the superior court of Habersham county.

Executive
powers of
mayor.

Sec. 10. Be it further enacted by the authority aforesaid, That the mayor of said city shall be the chief executive officer of the same. He shall see that the orders, by-laws, ordinances, acts and resolutions of the council of said city are faithfully executed; he shall have control of the police of said city, and may appoint special police officers whenever he deems it necessary, and especially to see that the peace and good order of said city are preserved, and that persons and property therein are protected; and to this end he is authorized to issue warrants for offenses committed within the corporate limits of said city, against any law or ordinance of said city, or of this State, and when the offense is against the State the mayor may hear evidence, and may commit to jail or take bond for appearance before the State court having jurisdiction of the offense as a justice of the peace could do. If the offense charged in the warrant be one against the laws or ordinances of the city, the arresting officer shall carry the accused before the mayor's court and none other, and shall there be disposed of as other cases of arrest not made under warrant. All warrants issued by the mayor, or those acting in his stead, shall be directed to "The chief of police of the city of Toccoa, or any marshal or special policeman thereof," and any one of said officers shall have the same authority to execute said warrants as the sheriffs of this State have to execute criminal warrants.

Witnesses.

Sec. 11. Be it further enacted by the authority aforesaid, That the mayor, or those holding the mayor's court in his stead, shall have power and authority to subpoena witnesses to attend the mayor's court under the same rules and regulations that regulate and govern the superior courts of the State, to compel their attendance and to punish any witness who has been subpoenaed and failed to attend under the provisions for contempt already provided for in this charter.

Condemna-
tion of pri-
vate prop-
erty for
public use.

Sec. 12. Be it further enacted by the authority aforesaid, That the authorities of said city shall have power and authority to condemn and appropriate, as hereinafter provided, private property for

Toccoa, City of Incorporated.

public use ; to lay off and open new streets, alleys, lanes, or other ways for the convenience of the public, or any citizen of said city ; to vacate, close, alter, widen, curb, pave and keep in good order and repair all streets, avenues, alleys, lanes, sidewalks, crosswalks, drains, sewers and gutters for public or private use ; to improve and light the streets, public park and grounds ; to furnish water and lights for private use, and to charge therefor ; to keep all public grounds, streets, sidewalks, crosswalks, avenues, alleys, lanes, or other ways free from obstructions of any kind ; to regulate the width of sidewalks and crosswalks on the streets ; to grade and change the grade of any street, and all streets, sidewalks, crosswalks, avenues, alleys, lanes or other ways, without any liability for damage therefor ; to require adjacent land-owners to curb, pave and improve sidewalks at their own expense under the direction of the authorities of said city, and upon failure of the land-owners to do so, the authorities of said city may have such work done and collect the cost thereof from the adjacent land-owners by execution, as other taxes are collected.

Sec. 13. Be it further enacted by the authority aforesaid, That whenever it is desired by the authorities of said city to appropriate private property to public use, and do not procure the same from the owner or owners thereof by contract or purchase, the title to such property may be acquired upon paying or tendering the owner or owners thereof, or to his, or her, or its or their legally authorized representative, just and reasonable compensation for the property desired and sought to be appropriated to public use, which compensation, when not otherwise agreed upon, shall be assessed and determined in the following manner, to wit: "As now provided by the general law of the State on this subject."

Sec. 14. Be it further enacted by the authority aforesaid, That the city council of said city shall have power and authority to regulate by ordinance the keeping of markets, and condemn in the manner prescribed by ordinance all meats, vegetables, or other articles of food whatever, which, after inspection, are found to be unwholesome and unfit for food, and shall have the power to seize and destroy all such articles of food as shall be condemned by the inspector, and may punish any person or persons who shall sell or offer for sale any such articles of food in the city, and to enforce this provision the inspector or officers of the city shall have the right, without warrant, to enter any place of business or other place where there is reason to suspect that such articles of food are being sold or offered for

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sale, and to condemn, seize and destroy the same, or otherwise dispose of it as may seem best to said officers.

Fire limits. Sec. 15. Be it further enacted by the authority aforesaid, That the city council of said city shall have power and authority to establish fire limits for said city and to change the same from time to time, and to regulate and prescribe the material and the manner of building houses therein, to establish a system of building inspection, and to condemn all such buildings and other structures as are dangerous to the public safety or the safety of any citizen, and to have the same made safe or removed at the expense of the owner or owners thereof; and upon failure of the owner or owners of such condemned structures to make them safe or remove them, the city authorities may have the same done and collect the expense thereof by execution against the owner or owners as other executions are collected. The authorities of said city shall also have power and authority to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome, to prevent dogs, hogs, cattle, sheep, horses, mules, goats, asses and all other kind of animals, and fowls of all kinds, from going at large in said city or in any prescribed territory therein, and to regulate the keeping of all such animals and fowls on private lots in said city; to protect places of divine worship; to abate or cause to be abated anything which in the opinion of the authorities or officers of said city is a nuisance; to regulate the keeping and selling of dynamite, gunpowder, kerosene and all other hazardous or combustible articles of merchandise; to guard against danger or damage by fire; to regulate or prohibit blacksmith shops or other business that endangers the property of others in said city, or any prescribed territory therein; to regulate the running of steam engines, whether for factories, furnaces, cotton gins, cotton-seed mills, mills, saw mills, planing mills, or any other kind of machinery propelled by steam engines, within the corporate limits of the city; to regulate the running of any and all sorts of vehicles, however drawn or propelled, that may be used on the streets of said city; to establish quarantine, and regulate the same, and to regulate the burial of the dead in the city.

Power to issue bonds. Sec. 16. Be it further enacted by the authority aforesaid, That the city council of said city shall have power to contract debts and issue bonds of said city under and in accordance with the limitations provided in the Constitution of the State and the general laws applicable to municipalities, and with the funds arising from the sale of any bonds thus issued may refund any existing debts, establish and maintain a system of waterworks, a system

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of electric lights, telegraph, telephone, and a street railway system, ^{Public improve-} or they may grant franchises to any person or persons, firm or corporation, to purchase, acquire, erect, own, operate, manage and control waterworks, electric lights, telegraph, telephone, or street railway system. They also have authority to erect public buildings or any other improvements, convenience or necessity, for the use of the citizens of said city, and to create a debt and issue bonds of said city for any other purpose under the limitations herein stated.

Sec 17. Be it further enacted by the authority aforesaid, That ^{Tax re-} the city council of said city shall have full power and authority to provide the manner of giving in taxes of said city; to appoint three citizens of said city who are freeholders thereof as assessors of real estate in said city, whose duty it shall be to place a just, fair and equitable valuation on all real estate within the corporate limits of the city of Toccoa subject to city taxes; to equalize and adjust the tax returns of all the personal property within said city, the said board of assessors to give to any citizen or property owner an opportunity to appear before them and make objection to the valuation placed by them upon any piece of property, and if in the judgment of said assessors the valuation first fixed was too high, they may change the same, but in all cases the decision of the assessors after the property owner has appeared before them, or had notice to appear before them, shall be final. Publication in any newspaper published in said city ten days before the day fixed for hearing complaints shall be deemed sufficient and legal notice under this section.

Sec. 18. Be it further enacted by the authority aforesaid, That ^{Street tax.} the city council shall have full power and authority to levy a special tax not exceeding ten mills on each dollar as street tax and expend the same in opening and improving streets, sidewalks, crosswalks, alleys, lanes, avenues, public parks and grounds. Also to levy and collect a tax upon all and every ^{Business tax.} species of property in said city subject to State and county tax, upon each and every business calling, trade or profession carried on in said city; upon billiard and pool tables, bowling alleys, bank, insurance, telegraph and express agencies in said city; to tax all theatrical performances, shows and exhibitions for gain or any kind of profit in said city; to tax all itinerant traders or peddlers, all itinerant and venders of patent medicine, drugs, books, nostrums or devices of any kind; to tax all solicitors or canvassers selling goods, wares or merchandise by sample at retail to consumers. All of said taxes except the tax on real or personal property, which shall be *ad valorem*, and not ex-

ceeding the constitutional or statutory limitations, shall be in the nature of a license, which must be paid in advance of doing business or carrying on the trade or occupation or canvassing or offering for sale any of the articles above set forth, and the council shall provide by ordinance for the punishment of all parties required to take out license who do or attempt to do any business before taking out such license and complying fully with all the requirements of said council made in reference thereto.

Taxes,
when due
and how
collected.

Sec. 19. Be it further enacted by the authority aforesaid, That the city council shall have power and authority to provide by ordinance when the taxes of said city shall fall due, and the mayor or the person acting in his stead shall have power and authority to issue tax executions for all taxes that have not been paid on or by the day fixed when they shall be paid, which execution shall be directed to the chief of police and all and singular the marshals of the city of Toccoa. Said tax executions when issued shall be placed in the hands of the chief of police or some marshal of said city, whose duty and authority it shall be to levy the same upon any property, real or personal, within the corporate limits of said city. If the execution be for a sum less than one hundred dollars and the property levied upon personal property, the same may be advertised as constables' sales are now advertised, by posting the advertisement in three or more public places in said city, one of which shall be at the court house door where the mayor holds his courts. If the execution be for a greater sum than one hundred dollars or the levy be upon real estate, the same shall be advertised by the levying officer under the same terms and under the same regulations and advertised in a newspaper published in the city of Toccoa; and all sales of real estate shall take place at the county site of Habersham county, Georgia. The deed of the chief of police or marshal making the sale under executions by the city authorities shall pass the title to the property sold to the purchaser as completely and absolutely as the deed of defaulting taxpayer would have done; *provided, however*, that any person whose property has been sold for taxes shall be allowed to redeem the same by paying to the purchaser at any time within twelve months from the date of sale the full amount of his bid, with ten per cent. premium thereon; that the officers making the levy under executions issued by the authorities of said city shall have full power and authority to take bond for the forthcoming of personal property levied upon by them, payable

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to themselves, which bond may be sued upon by such officers for the use of the city in any court having jurisdiction of the person and subject-matter of such bond, and the levying officers of such executions shall receive costs for their services as follows: If the execution is less than one hundred dollars the clerk shall be allowed fifty cents for each *fi. fa.* issued, the levying officer shall be allowed one dollar for each levy and fifty cents for taking forthcoming bond, and 6¼ cents for commissions on all sales made by them, and if the execution be greater than one hundred dollars the costs received by sheriffs shall be allowed and received by them.

Sec. 20. Be it further enacted by the authority aforesaid, ^{Illegalties.} That should an affidavit of illegality be filed to an execution issued by the authorities of said city (which may be done under the same rule that prevails in State courts), or any property levied on be claimed by a person not a party to the execution, ^{Claims.} said claim shall be interposed under the same rules, restrictions and regulations that govern claim cases in the courts of the State, and such claims and illegalities shall be returned for trial to the justice's court or notary public's court that is held in the city of Toccoa, or the city court or superior court of Habersham county, the one having jurisdiction, as the case may be.

Sec. 21. Be it further enacted by the authority aforesaid, ^{Liquor.} That the authorities of said city shall have the power and authority to ^{sale of.} regulate the sale of spirituous liquors within the limits of said city where not inconsistent with the laws of this State, to fix the price of license and to grant license for the sale thereof in any quantity, and to punish for the unlawful sale of spirituous liquors in said city when not inconsistent with the laws of this State; to prevent the keeping of spirituous liquors for unlawful purposes within said city, and to punish therefor; shall have power and authority, upon sworn information, to enter without warrant and to inspect any place of business or other place in said city where there is reason to suspect that spirituous liquors are kept therein for unlawful sale, and to seize and hold such articles and things as may be found therein to be used as evidence of a violation of any ordinance of said city or law of this State.

Sec. 22. Be it further enacted by the authority aforesaid, ^{Club-} That the city council shall have power and authority to suppress any ^{rooms.} room, rooms, house or other place within the limits of said city or its police jurisdiction, in which shall be kept by any person, persons, firm or corporation, association or club, any intoxicating liquors to be delivered to any person, whether a

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member of such firm, corporation, club, association, or otherwise, in exchange for money, property, services, or other thing of value, and no charter incorporating such club, association, or corporation shall be held to interfere with the powers hereby granted to the city council.

School
buildings.

Sec. 23. Be it further enacted by the authority aforesaid, That the city council shall have the power and authority to purchase, erect, acquire and own any building or buildings deemed necessary for the use of the residents of the city for public school purposes, and to purchase, acquire and own any ground or grounds upon which to place said school buildings; to levy and collect a tax for the support and maintenance of the public school system now in force in said city; *provided*, that nothing in this charter contained shall have the effect to alter, modify, repeal, or change the law now of force organizing the public school system in the town of Toccoa City, and that the same remain in force as though this charter had not been granted.

Reports
of mayor.

Sec. 24. Be it further enacted by the authority aforesaid, That the mayor of said city shall have the power at all times to examine and inspect the books, records and papers of any agent employed or officer of said city; shall annually make a report to the council, giving an itemized statement of all moneys collected during the year, from whatever source, and how and to what expenses the same was applied, the amount of money due the city from taxation or otherwise, the amount on hand and in the treasury, and the indebtedness of said city, with such recommendations as he may deem proper.

Warrants
on treas-
ury, how
drawn.

Sec. 25. Be it further enacted by the authority aforesaid, That the mayor shall draw all warrants upon the treasurer of said city for the payment of accounts, expenses, debts and obligations of said city, when said accounts, debts, or other obligations have been audited and recommended paid by the council, except salaries of the officers and fixed charges.

City clerk

Sec. 26. Be it further enacted by the authority aforesaid, That the city clerk shall keep his office at the place of the meeting of the city council, or at some other convenient place, to be designated by the council. He shall keep all papers and records of the city appertaining to his office at such office. Copies of all papers filed in his office, and transcripts from all records of the city council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall attend all meetings of the city council, keep a correct minute of its proceed-

Toccoa, City of Incorporated.

ings; he shall attend to such other duties as shall be required by the city council and the ordinances of said city.

Sec. 27. Be it further enacted by the authority aforesaid, That unless otherwise ordered by council, no moneys shall be paid out by the treasurer except upon the warrant of the mayor, except salaries of officers, fixed charges, bonds and interest coupons, and that no warrant shall be drawn upon the city treasury unless at such time there are funds in the treasury to pay the same; that the treasurer shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto. He shall give every person paying money into the treasury a duplicate receipt therefor, specifying the date of payment and upon what account paid, and he shall also file copies of such receipts with the clerk at the date of his monthly report. Public money, how distributed.

Sec. 28. Be it further enacted by the authority aforesaid, That the city council of said city shall have power and authority to require all persons within the corporate limits of said city, subject to road duty under the laws of this State, to work on the streets of said city, or they may fix a commutation tax which may be paid in lieu of work on the streets, and punish all defendants as may be prescribed by ordinance on failure to pay said tax or work on said streets. Street tax.

Sec. 29. Be it further enacted by the authority aforesaid, That the city council shall have power and authority to suppress bawdy or disorderly house or houses of ill-fame within the limits of said city; to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gambling or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures, or illustrations. Police powers.

Sec. 30. Be it further enacted, That the name of the town of "Toccoa City" in Habersham county, be changed to the "City of Toccoa," and that all contracts heretofore entered into by the town of Toccoa City shall be good and valid for and against the City of Toccoa to the same extent that they would have been for or against the town of Toccoa City had this charter not been granted, and all rights and liabilities of the town of Toccoa City, and all action and the rights thereof shall accrue and survive to and against the City of Toccoa. All property and the right thereof now held and owned by the town of Toccoa City shall be and become the right and property of the City of Toccoa. All laws and ordinances of the town of Toccoa City not in conflict with this charter be valid and enforceable as laws and ordinances of the City of Toccoa. Corporate name and contracts.

Trion, Act of 1869 Incorporating, Repealed.—Trion, Town of Incorporated.

Repealing
clause.

Sec. 31. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 20, 1897.

TRION, ACT OF 1869 INCORPORATING, REPEALED.

No. 299.

An act to repeal an act entitled "an Act to incorporate the town of Trion, in the county of Chattooga, and for other purposes, approved February 20, 1869, and all acts amendatory thereof and relative thereto.

Trion, act
of 1869 in-
corporat-
ing, re-
pealed.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That an "Act to incorporate the town of Trion, in the county of Chattooga, and for other purposes, approved February 20, 1869, and also all Acts amendatory thereof and relative thereto, be, and the same is, hereby repealed.

Approved December 18, 1897.

TRION, TOWN OF INCORPORATED.

No. 300.

An Act to incorporate the town of Trion, in the county of Chattooga; to define its limits, provide for a mayor, recorder, and council, and other officers of said town, and prescribe their powers and duties; to create a free school system for said town; to provide for a public fund by taxation and license; to provide for the making of all lawful rules, regulations and by-laws for the proper government and control of said town, and the enforcement of its ordinances.

Trion in-
corporated.

Corporate
limits.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That the town of Trion, in the county of Chattooga, be incorporated, shall be a body politic and corporate, by the name of the town of Trion. The corporate limits of said town shall embrace an area of one mile in every direction from the center of the rock.

Trion, Town of Incorporated.

pier of the iron bridge commenced to be built in the year 1897 in said town, said pier being on the north side of the river nearest the factory building, including only the lands in said area of one mile owned by Trion Manufacturing Company, and the lands owned by Mrs. M. A. Allgood, owned by them October 12th, 1897, and all church property and bridges lying within said area of one mile. Until the next regular annual election of officers, held under this charter, and until their successors are elected and qualified, the municipal authorities of said town shall be the following named citizens of said town, to wit: N. H. Coker, mayor; G. B. Myers, recorder, and A. S. Hamilton, W. A. Green, J. H. Funderburk, T. A. Fallis and John M. Williams, councilmen; and are hereby authorized to carry out the purposes of this Act, and are fully vested with all rights, powers and privileges conferred by this Act, as if elected under the provisions herein contained. Mayor and councilmen.

Sec. 2. Be it further enacted, That the following designated sections of the Code of Georgia, 1895, volume 1, are hereby adopted and shall become a part of this act of incorporation, to wit: Sections 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 701, 703, 704, 705, 706, 707; but where any of said sections or the provisions thereof, conflict with such sections or the provisions thereof, as herein specifically set out, the former shall be void and the latter shall prevail. General law applicable.

Sec. 3. Be it further enacted, That the public fund of said town shall be made up only of street tax, license, tax on dogs, the per capita school tax herein provided for, and fines and forfeitures; and at the first annual meeting of the new council after each election the council shall levy said tax and fix said license, and the same shall be entered on the minute book. If, for any cause, said tax is not so levied, and license fixed at the first meeting after such annual election, the same may be levied and fixed at any succeeding meeting of council. Taxes.

Sec. 4. Be it further enacted, That no vinous, malt, spirituous, or intoxicating liquors shall ever be sold, bartered, or given away within the corporate limits of said town; nor shall any company, or person, or agent deliver in said town any such liquors; *provided*, nothing herein contained shall prevent a person from giving such liquors, under the advice and prescription of a physician, to a person sick. Liquor, sale of prohibited.

Sec. 5. Be it further enacted, That whenever anything for which State license is required is to be done within said corporate limits, the council may require a license and may impose a Licenses.

Trion, Town of Incorporated.

tax thereon for the use of said town, and may also require a bond, with sureties, conditioned as prescribed by council in such penalty as it may see proper, and revoke the same at any time the conditions of the bonds are broken. And said council shall have power to license and regulate hotels, boarding houses, livery stables, public and private transportation through and in said town, selling at public outcry to the highest bidder, or at a fixed price, the peddling of any article, or any other business or thing which by law might be licensed or regulated, except as in this Act prohibited; and license and regulate either the sale or delivery in said town, in any manner, of dry goods, groceries, wares, merchandise, jewelry, musical instruments, sewing machines, patent medicines, patented articles, patent rights, nostrums, or other goods and articles, and place thereon, either for sale or delivery, or both, where the same is not contrary to law, a tax or license not to exceed \$500 per annum; and said corporate authorities shall have power to prohibit the delivery within said corporate limits by the seller, or agent of the seller, of such dry goods, groceries, and other articles and things aforementioned, sold outside of said corporate limits, without the seller first paying such tax or license as is imposed by said corporate authorities for the delivery of such goods, articles and things sold within the corporate limits of said town. Said corporate authorities shall have power to tax all shows in a sum not exceeding the State tax which may exhibit within the corporate limits of said town, and prohibit the same altogether, when they deem best for the interest of said town.

Idlers.

Sec. 6. Be it further enacted, That said council shall in addition to the rights and powers granted herein, to make by-laws, rules and regulations for the government and control of said town; shall make and provide such ordinances as are necessary to prohibit on the streets, bridges, sidewalks, and on private property, any loitering, idling, or mischief-making, and to remove therefrom any idle or suspicious person, and to make any and all needful rules and regulations for the protection to the citizens and property of said town, and to carry into effect the provisions of this Act.

Mayor's court.

Sec. 7. Be it further enacted, That in addition to the powers and duties herein conferred on the mayor of said town, he is hereby authorized to hold his court at any time for the purpose of trying violators of the ordinances of said town, at some place designated by council. He may, when the interest of the town demands it, order the arrest, without summons or war-

Trion, Town of Incorporated.

rant being first issued, of any person charged with the violation of any of the ordinances of said town. In such case, unless the person be intoxicated, he shall instanter have served a written summons on said person, unless the same is waived, setting out the charge preferred, and instanter try the same, unless continued for cause; and if the person be intoxicated, he shall be placed in the town prison, and not tried until such time, in the discretion of the mayor, as the person may become sober. The form, in case of a charge of violating an ordinance of said town, shall be as follows: "The town of Trion *vs.* ——. To any lawful officer of said town, to execute and return. The defendant, —, hereby required to be and appear at the mayor's office, in the town of Trion, on the — day of —, to answer to the charge of —. Given under my hand and official signature this — day of —, — —, mayor." Filling out the blanks in said form, or a substantial compliance therewith in form, shall be sufficient. The mayor shall have power to punish for contempts, to issue any and all process necessary to carry into effect the provisions of this Act; to compel the attendance of witnesses, to summons a posse, and give such orders as are necessary to control and use the same in enforcing the ordinances of the town, the good order, peace, and dignity thereof, and protect the property in said town, and punish under such by-laws as council may prescribe for the failure of any of the posse so summoned to comply with such lawful orders as are given.

Sec. 8. Be it further enacted, That an appeal may be had Appeals. from any decision made by the mayor in the trial of violators for the ordinances, which may be entered to the council of said town within four days of the decision complained of, and by the payment of all costs, and a *certiorari* may be had from any decision Certiorari. rendered by council in such appeals to the superior court of the county under the general law applicable to *certiorari*.

Sec. 9. Be it further enacted, That the fines for the violation Penalties. of any of the ordinances of said town shall be by imprisonment or work on the streets of said town not to exceed thirty days or fine not to exceed \$100 for each offense.

Sec. 10. Be it further enacted, That any election held under the provisions of this Act may be contested under the general Contested elections. law of force for municipal contests.

Sec. 11. Be it further enacted, That "an Act to establish free Free schools. schools in the town of Trion, in Chattooga county, to provide for maintenance and government thereof, and for other pur-

Trion, Town of Incorporated.

Elections
for.

poses," approved December 16, 1895, be, and the same is, hereby adopted, and shall become a part of this Act of incorporation, conditioned upon an election held under the provision as set out in section 5 of said Act, and the required majority voting for free school; and council shall hold this election on the day herein provided for the annual election of officers, or as soon thereafter as is practicable. In case the result of said election should be against free schools, the same shall be voted upon at each annual election thereafter until a sufficient vote is cast to establish a free school under the provisions of this Act in said town.

Registra-
tion of
voters.

Sec. 12. Be it further enacted, That ten days before the election, as provided in this Act, "for free schools," the recorder of said town shall be, by said council, furnished a suitable registration book, which shall be open ten days preceding said election, and be so kept to within two days of said election, at some convenient place in said town, for the registration of the qualified voters thereof; no person who fails to register shall vote in said election. Said recorder shall allow no person to register who is not a qualified voter of said town under this Act. If any person is dissatisfied on account of the recorder refusing to allow any voter to register, or on account of his allowing any person to register who is not entitled to vote, may appeal to council, and it shall be the duty of council to pass upon the same before the date of election. It shall be the duty of the recorder to furnish the managers of election a list of the registered voters before the opening of the polls on the day of election.

Repealing
clause.

Sec. 13. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 18, 1897.

WASHINGTON, CHARTER OF AMENDED.

No. 146.

An Act to amend the charter of the town of Washington, Georgia, by providing that the mayor of said town shall be paid an annual salary of two hundred dollars; and also by providing that in cases of appeal from any decision of the recorder of said town, the mayor and council may in their discretion increase the penalty fixed by said recorder.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the mayor of Washington, Georgia, shall be paid out of the town treasury an annual salary of two hundred dollars. The said salary shall be paid in quarterly installments at such times as the mayor and council by ordinance provide.

Washington.

Salary of mayor.

Sec. 2. Be it further enacted by the authority aforesaid, That section twenty of an Act approved December 17, 1894, which Act provides a new charter for the town of Washington, Georgia, be, and the same is, hereby amended by striking from said section the following words: "Except that in no case shall they have power to increase the penalty fixed by the recorder," and by adding after the word "penalty" in the eleventh line of said section as it appears in the printed edition of the Acts of 1894, the words, "And said mayor and council shall have power, in their discretion, to increase the penalty fixed by the recorder," so that said section, when thus amended, shall read as follows: Section 20. Be it further enacted, That the salary of the recorder shall be fixed by the mayor and council, in no case to exceed two hundred and fifty dollars per annum. He shall have power to try, in a summary manner, all persons charged with violating any of the laws or ordinances of said town, and to impose such penalties as said ordinances prescribe. For this purpose he may sit as a court at any time. All fines imposed by him shall, when collected, be paid into the treasury of the town. From the decisions of the recorder the person tried may appeal to the mayor and council, who shall have power to reverse his decision or modify the penalty, and said mayor and council shall have power, in their discretion, to increase the penalty fixed by the recorder. Said recorder is hereby given power to issue criminal warrants, to hold courts of inquiry and to commit offenders or admit them to bail in

Appeals from recorder's court.

Waycross, Charter of Amended.

all cases where a justice of the peace may commit or hold to bail.

Repealing
clause.

Sec. 3. Be it further enacted by the authority aforesaid, That all laws in conflict with this Act are hereby repealed.
Approved November 29, 1897.

WAYCROSS, CHARTER OF AMENDED.

No. 285.

“An Act to amend section 20 of the charter of the city of Waycross, approved November 1st, 1889, so as to authorize and empower the mayor and council of said city to impose a double tax upon any and all persons who fail or refuse to make tax returns within the time prescribed by law,” and for other purposes.

Waycross.

Double tax
on de-
faulters.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That section 20 of the charter of the city of Waycross, approved November 1st, 1889, be so amended as to authorize and empower the mayor and council of said city to impose a double tax upon any and all persons failing or refusing to make tax returns within the time prescribed by law for the making of such returns.

Repealing
clause.

Sec. 2. Be it further enacted by said authority, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

WAYCROSS, BONDS FOR SEWERAGE AND FLOATING DEBT.

No. 159.

An Act to authorize the city of Waycross to issue bonds to an amount not to exceed fifty thousand dollars (\$50,000.00) for the purpose of establishing a sewerage system for said city, and to pay off the floating indebtedness of said city, after submitting the question of "Bonds" or "No Bonds" to the qualified voters of said city, as required by the Constitution of the State.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the mayor and council of said city of Waycross, in Ware county, Georgia, is authorized and empowered to issue bonds in addition to those heretofore issued by said city, with the usual interest coupons attached, to an amount not to exceed fifty thousand dollars (\$50,000.00), said bonds to be of such form and denomination, and to bear such rate of interest not to exceed six per cent. per annum, as the city of Waycross, through its mayor and aldermen, may determine by resolution passed at a regular meeting of said body. Said bonds shall become due and payable at such time not longer than thirty (30) years from the date of issue, as may be fixed by a resolution of the mayor and aldermen. The authorities of said city shall provide each year for the collection of taxes to pay the interest on said bonds, and to pay the principal of the same, within thirty (30) years; said taxes to be assessed and collected for said purpose in the same manner as the city taxes of said city are now assessed and collected for other purposes; and said bonds shall not be sold for less than their par value. The proceeds of said bonds shall be used to pay for the establishment of a sewerage system for said city, and for paying off any floating or existing indebtedness of said city, and for such other purposes as are incidentally connected therewith; *provided*, that said bonds shall not be issued until the question of "Bonds" or "No Bonds" shall have been submitted to the qualified voters of said city at a regular election held therefor, and shall have received the necessary two-thirds ($\frac{2}{3}$) vote required by the Constitution of the State, or at a special election held for the purpose of voting on the

Waycross.
Bonds of.
Payment of.
Sale of.
Election for.

Waycross, Bonds for Sewerage and Floating Debt.

question of "Bonds" or "No Bonds." Thirty (30) days' notice of such election, or of the intention to submit said question at any election, shall be given through the newspaper which does the city printing immediately preceding said election. Any election held under this Act shall be governed by the same rules and regulations that govern regular elections provided for under the charter of said city. If the consent of the necessary two-thirds ($\frac{2}{3}$) vote is not obtained at the first election held under this Act, the same question may be submitted to the voters of said city again; but no second election for such purpose shall be ordered until six (6) months after the first was held.

Sewerage. Sec. 2. Be it further enacted, That the construction of the sewerage system shall be under the direction of the sanitary and waterworks commissioners of said city, but all contracts to be made for the construction or equipment of said sewerage system shall be subject to the approval of the mayor and council of said city.

Repealing clause. Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

Waycross, Sewerage and Waterworks.

WAYCROSS, SEWERAGE AND WATERWORKS.

No. 279.

An Act to amend an Act approved September 19th, 1889, entitled "an Act to authorize the establishment and maintenance of a system of sewerage and drainage in and around the city of Waycross and a system of waterworks for said city, and to authorize the erection of such works, buildings and furnaces as may be necessary for the cremation of the garbage and sewerage of said city; to provide for the appointment, by the ordinary of Ware county, of sanitary and waterworks commissioners for said city, and to prescribe their duties and powers; to authorize the construction in the streets of said city of such sewers, drains and waterpipes as may be deemed necessary, and the building and extension of any of the sewers or drains of said city to such point or points beyond the corporate limits of said city as the sanitary and waterworks commissioners may deem best, and to authorize the taking of private property for these purposes under certain restrictions; and to authorize and empower said city of Waycross to issue bonds to carry out the purposes of this Act" in such way as to require the concurrence and approval of the mayor and council of said city in the making of any and all contracts contemplated by said Act, except contracts for actual and necessary operating expenses, before the same shall be valid and binding upon said city or the mayor and council thereof.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the Act above recited and referred to be, and the same is, hereby amended so as to limit and restrict the power and authority conferred by said Act upon the sanitary and waterworks commissioners of the city of Waycross in the making of contracts, in such way as to require the concurrence and approval of the mayor and council of the said city in the making of any and all contracts contemplated by said Act, except contracts for actual and necessary operating expenses of the waterworks plant, before the same shall be valid and binding upon said city or the mayor and council thereof; *provided*, that the provisions of this Act shall not become operative in said

Waycross.

Power of
sanitary
and water-
works com-
missioners.*Proviso.*

Waycross, Sewerage and Waterworks.

city until ratified by a majority of the qualified voters of said city voting in an election to be held as hereinafter provided.

Election to
enforce
this Act.

Sec. 2. Be it further enacted by the authority aforesaid, That the mayor and council of said city of Waycross shall have authority to call an election to be held in said city, in which the question shall be submitted to the qualified voters of said city of Waycross of "Amendment" or "No amendment;" said election to be held at the usual voting precincts of said city and under the same rules and regulations as provided for the election of the mayor and council of said city, and after at least thirty days, notice has been given by publication in a newspaper published in said city of Waycross, and by posting notice of said election of the three most public places of said city; *provided,* that the returns of said election shall be made to the ordinary of the county of Ware, who, after examining the same and deciding upon all questions which may arise out of said election, shall proclaim the result by notice aforesaid. If the lawful majority in said election is "for amendment" then the provisions of this Act shall take effect in said city immediately.

Repealing
clause.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

Whigham, Charter of Amended.

WHIGHAM, CHARTER OF AMENDED.

No. 212.

An Act to amend the town charter of the town of Whigham; an Act to amend an Act, in the book of Georgia laws of 1896, approved December 23d, 1896, incorporating the town of Whigham, by amending section fourteen of said Act, page 265 of book, to establish a town dispensary for the sale of any and all liquors, and appropriating a part of the net profits to the public schools in said town, as provided under section eighteen of said Act, so as section fourteen shall read as follows: Sec. 14. Be it further enacted, That the mayor and councilmen of said town shall have full power and authority to prohibit, or manage by ordinances or resolutions, a town dispensary for the purpose of dispensing by sale any and all intoxicants, intoxicating liquors, alcoholic, spirituous, or malt liquors, and beer of any kind whatever, and that not less than one-fourth nor more than one-half of the net profits of said dispensary is hereby by this Act appropriated to the public schools in said town, as provided under section eighteen of said Act of incorporation of the town of Whigham, and that the mayor and council shall have no authority to license the sale of any of the articles named in this Act.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved December 10, 1897.

NOTE.—The caption and repealing clause constitute all of this Act.

WOODBURY, CHARTER OF AMENDED.

No. 239.

An Act to amend an Act entitled "An Act to incorporate the town of Woodbury, Meriwether county, Georgia, to provide for a town council and prescribe their powers and duties, and for other purposes connected therewith," approved September 5, 1887, so as to provide for the election of a mayor and four councilmen instead of five councilmen, and for other purposes.

Wood-
bury, char-
ter of
amended.

Section 1. Be it enacted by the General Assembly of Georgia, That after the passage of this Act that the above recited Act, approved September 5, 1887, be, and the same is, hereby amended by striking out after the word "convenient" in the fourth line of section 3 the words "for five councilmen," and inserting in lieu thereof the words "for mayor and four councilmen;" and by striking out all of section 5 of said Act after the word "said" in the first line down to the word "shall" in the fourth line of said section 5, and inserting in lieu thereof the following words, to wit: "mayor and council," and by inserting between the words "the" and "councilman" in the first line of section 6 the words "mayor and," and by adding between the words "town" and "to" in the 27th line of said section 6 the words "the mayor shall have authority," and by striking out the word "council;" and when in session at sitting as a court, "said council" in the 33d and 34th lines of section 6, and inserting in lieu thereof "mayor; said mayor," and by striking out the word "chairman" in the 4th line of section 8, and inserting in lieu thereof the word "mayor," and by striking out the word "council" wherever it occurs in section 9 and inserting in lieu thereof the word "mayor;" and by striking the words "any member of the council," in the first line of section 10 and inserting in lieu thereof the words "the mayor," so that said Act when so amended will read as follows: Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That J. M. Horten, T. J. Williams, J. T. Dixon, A. B. O. Hara and Robert T. Powell, and their successors in office, be, and they are, hereby appointed councilmen and made a body corporate under the name and style of the town council of Woodbury, and

Amended
charter.

by that name have perpetual succession, with power to sue and be sued, plead and be impleaded, and do such acts as may be authorized under the laws of Georgia.

Sec. 2. Be it further enacted, That the above named councilmen shall hold their office until the first Wednesday in January, 1888, and until their successors are elected and qualified; and should a vacancy occur in said council by death, resignation or otherwise, an election may be ordered by said council, or by five freeholders residing in said town, to fill such vacancy; *provided*, notice of said election shall be posted at two or more public places in said town for at least ten days. Such election shall be held under same rules and regulations as set forth in the next section of this Act.

Sec. 3. Be it further enacted, That on the first Wednesday in January of each and every year an election shall be held at such place, within the incorporate limits of said town, as the managers of said election may think convenient, for mayor and four councilmen, to serve one year after their election and until their successors are elected and qualified, at which election all persons who shall have been residents of said town for ninety days immediately preceding said election, who are entitled to vote for members of the General Assembly of this State, shall be entitled to vote for said mayor and councilmen; *provided*, they shall have paid all legal taxes due by them to said corporation which they have had five days in which to pay; and said election shall be managed by three freeholders, residents of said town, and the five persons receiving the highest number of votes cast at the election shall be declared duly elected for the term of one year or until their successors are elected and qualified. All vacancies occurring in said council shall be filled as provided in the second section of this Act.

Mayor and
council-
men, elec-
tion of.

Sec. 4. Be it further enacted, That the corporate limits of said town shall be one-half mile in every direction from the point of intersection of the four original streets, and shall also include the tract of land surveyed and laid off into lots and streets by E. N. Wise, in 1886, under the direction of the Panola Land and Improvement Company.

Corporate
limits.

Sec. 5. Be it further enacted, That said mayor and council shall also elect a clerk, treasurer, and marshal, who shall hold their office during the pleasure of the council, and said treasurer shall be required to give bond in such sum as the council may direct for the faithful performance of his duties.

Officers.

Sec. 6. Be it further enacted, That the mayor and council-

Mayor and
council-
men, pow-
ers of.

men of said town, before entering upon their duties of office, shall take oath before some person authorized to administer oaths faithfully and impartially to discharge the duties of their office, and a majority of said council shall constitute a quorum for business, and shall have the power to fix, annually, the salary of the officers of said town; to levy and collect a tax on all the property within said town, not to exceed one hundred per cent. of the State tax; to levy and collect such tax on business occupations, theatrical exhibitions, and other performances exercised, performed or exhibited within the corporate limits of said town, and to fix such license on circuses, menageric shows, including all shows of domestic or wild animals, as may be deemed proper; to cause to be worked all roads, streets and alleys in said town by all persons residents therein subject to road duty under the laws of this State, and to fix a commutation tax to be paid by all such persons in lieu of working on such streets; to establish and open new streets in said town as the public interest may require; to make all ordinances, rules and regulations as they may deem necessary for the proper government of said town, not inconsistent with the laws of this State, and to preserve the good order and health of said town; to abate all nuisances within the corporate limits of said town; to establish markets and regulate all butcher-pens, tan-yards, livery-stables, blacksmith shops, forges, stoves and chimneys in said town, and remove the same or any of them, in case they should become dangerous or injurious to the health or property of any citizen of said town. The mayor shall have authority to try offenders for violations of the ordinances, rules and regulations prescribed for the government of said town, and may punish violations of the same by a fine not to exceed twenty-five dollars, imprisonment not to exceed thirty days, to work on the streets of said town not to exceed thirty days, and any one or more of these punishments may be ordered in the discretion of said mayor. Said mayor may fine for contempt not exceeding ten dollars, or imprisonment five days for such contempt.

Clerk,
duties of.

Sec. 7. Be it further enacted, That said council shall require their clerk to keep a complete record of minutes of all their proceedings, and require their treasurer to keep an itemized statement of all money received by him from every source, when and to whom paid, and to take and file his vouchers for all such payments, and to keep open for the inspection of any citizen of said town all books and records.

Sec. 8. Be it further enacted, That it shall be the duty of the marshal, after the taxes have been levied and assessed, to collect the same, and if not paid on demand of the marshal, the mayor shall issue his execution for said taxes, and the marshal shall levy and sell thereunder, in like manner and under the same regulation as the officers of this State are now authorized to levy and sell under executions; except when personal property is levied on, the sale may be had and made in the same manner as constables' sales are now made, and the taxes, when levied and assessed as above provided, shall have a lien on the property so levied on and assessed prior to all other liens except for State and county taxes, and shall rank next to them. Marshal,
duties of.

Sec. 9. Be it further enacted, That for a failure to work on the streets when notified, the offender subjects himself to a fine not to exceed two dollars per day, or be imprisoned, at the discretion of the mayor, not to exceed five days for each day he fails to work, unless he will pay the commutation tax imposed by the mayor. The fine contemplated in this section, and all other fines imposed by said mayor, shall be collected by said marshal in same manner as executions for municipal taxes are collected. Streets,
how
worked.

Sec. 10. Be it further enacted, That the mayor shall have the same jurisdiction and authority as have justices of the peace of the State to bind over any offenders that may be brought before him, when it shall appear that the offense is a violation of any State law committed within the corporate limits of said town. Commit-
ments.

Sec. 11. Be it further enacted, That said councilmen shall receive no pay for their services in any manner whatever, except that they shall be exempt from street or road duty.

Sec. 12. Be it further enacted, That all of the powers and duties contained in sections 786, 787, 788, 789, 790, 791, 792 of the Act approved September 29, 1881, and codified in the Code of 1882 as section 786(a), and the Act approved September 28, 1881, and codified in the Code of 1882 as section 786(b) and 786(c), whenever the same do not conflict with this Act, are hereby adopted and made part of this Act. General
law appli-
cable.

Sec. 13. Be it further enacted, That nothing in this Act shall be construed so as to repeal, alter or amend the Act prohibiting the sale of spirituous liquors, alcoholic bitters or medicated bitters of any kind or name whatever, in any quantity less than five gallons, within two miles from Woodbury, approved February 26, 1877, and printed on page 193, of the Acts of 1877. Liquor,
sale of.

Woodstock, Town of Incorporated.

Repealing clause. Sec. 14. Be it further enacted, That all laws and parts of laws conflicting with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

WOODSTOCK, TOWN OF INCORPORATED.

No. 191.

An Act to incorporate the town of Woodstock, on the Atlanta, Knoxville and Northern Railroad, in Cherokee county, Georgia, and for other purposes.

Woodstock incorporated. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the same, That from the passage of this Act the town of Woodstock, in the county of Cherokee, shall be incorporated under the name and style of Woodstock, by which name it shall sue and be sued, plead and be impleaded.

Corporate limits. Sec. 2. Be it further enacted, That the corporate limits of said town shall extend three-fourths of a mile north from the depot and three-fourths of a mile south from the depot, along the railroad track, and one-half mile in breadth on each side of railroad track, whole length of first line.

Mayor and councilmen, appointed. Sec. 3. Be it further enacted, That N. A. Fowler is hereby appointed mayor of said town and W. W. Benson, J. H. Johnson, James M. Latham, M. S. Paden, Will L. Dean are hereby appointed councilmen of said town, to hold their offices until their successors are elected and qualified.

Elections for. Sec. 4. Be it further enacted, That an election shall be held the first Tuesday in January, 1899, and each succeeding first Tuesday in January each year, for mayor and five councilmen, to serve one year or until their successors are elected and qualified; said election to be conducted in same manner as elections for members of the General Assembly, and all persons living in the corporate limits of this town who shall be qualified to vote for members of the General Assembly shall be qualified to vote for mayor and councilmen, and the person or persons receiving the highest number of votes for either of the above named offices shall be declared duly elected, and as soon as they take the oath of office shall enter upon the discharge of the duties of their respective offices, electing marshal, clerk, etc.

Woodstock, Town of Incorporated,

Sec. 5. Be it further enacted by the authority aforesaid, That ^{Street tax.} said mayor and councilmen shall have power and authority to cause to be worked all the streets, roads and alleys in said town by all persons residents therein subject to road duty under the laws of this State, and to fix a commutation tax to be paid by all such persons in lieu of road working on said streets, alleys or roads. Said mayor and council have power to make any and all by-laws, rules and regulations or ordinances necessary for the government of said town which are not inconsistent with the laws and Constitution of this State; to punish by fine and imprisonment or both, in the discretion of the mayor or council; *provided*, the fine shall not exceed twenty dollars, nor the imprisonment twenty days. They shall also have power and authority to fix the cost that shall be paid to the mayor, marshal and clerk for services when any person shall be convicted for violating any of the ordinances of said town provided.

Sec. 6. Be it further enacted, That such cost shall be taxed ^{Tax on property.} against the person or persons convicted of violating any ordinance or ordinances; said mayor and council shall have power to levy and collect a tax on all property within the corporate limits of said town, not to exceed two-tenths of one per cent., for the support of the government of said town.

Sec. 7. Be it further enacted, That the provision of this Act ^{Liquor, sale of.} shall not be so construed as to affect a prohibitory law passed for this place in 1875, nor of the local option law now in force, nor shall the sale of spirituous and intoxicating liquors ever be, licensed in this town, but the sale shall be forever prohibited under this charter, and any person convicted of a violation of the provision of this section shall be subject to all the pains and penalties that the law authorities and justifies to inflict.

Sec. 8. Be it further enacted, That all laws and parts of laws ^{Repealing clause.} in conflict with this Act be, and the same are, hereby repealed.

Approved December 8, 1897.

UNADILLA, AUTHORIZING BONDS FOR WATERWORKS.

No. 136.

An Act to amend the charter of the town of Unadilla, in the county of Dooly, so as to authorize the corporate authorities of said town to issue bonds of said town for the purpose of establishing, building, maintaining and operating a system of waterworks in said town; to provide for an election by the voters of said town upon said question; to provide revenue for the payment of principal and interest of said bonds, and for other purposes.

Unadilla. Section 1. Be it enacted by the General Assembly of Georgia, That for the purpose of establishing, building, maintaining and operating a system of waterworks in the town of Unadilla, in Dooly county, Georgia, the mayor and council of the town of
May issue bonds. Unadilla are hereby authorized to issue and sell bonds of said town, not exceeding in amount the sum of five thousand dollars of the denomination of five hundred dollars each, to become due and payable at such time or times, not longer than twenty years after the issue thereof, as said mayor and council may determine, and to bear interest not exceeding eight per cent., and payable annually at such time and place as said mayor and council may determine. Said bonds shall be signed by the mayor and countersigned by the treasurer of said town; shall have coupons attached to them for each installment of interest, which coupons shall be signed by the treasurer of said town. Only so much of said bonds shall be issued as the mayor and council may deem necessary for the purpose as above stated. Before issuing said bonds the question of issuing the same shall be submitted to the voters of the town of Unadilla on a day to be designated by the said mayor and council, notice of which shall be published in the newspaper published in the town of Unadilla, and if there be no such paper, then in the newspaper in which the sheriff's advertisements for the county of Dooly are published, thirty days before the election. All persons voting in said election shall have written or printed on their ballots the words "For Bonds," or the words "Against Bonds," and if two-thirds of the qualified voters of said city, qualified to vote at said election, to be ascertained according to the provisions of section three of this Act, shall be for bonds, the

Unadilla, Authorizing Bonds for Waterworks.

mayor and council shall issue said bonds. And for the purpose of providing for the payment of the interest on the bonds so issued and negotiated, as well as to provide for the payment of the principal when the same may become due, the mayor and council are authorized and required to levy and collect such tax annually upon the taxable property in said city as will be necessary to carry out the provisions of this section, and said mayor and council shall also provide a sinking fund for the redemption of said bonds as the principal thereof shall become due. Said mayor and council shall have the right, after ten years, to call in and retire said bonds as fast as they deem proper, and such right shall be incorporated in said bonds.

Sec. 2. Be it further enacted, That full authority is hereby granted to the mayor and council of said town to use the proceeds of said bonds, not only in establishing, building, maintaining and operating a system of waterworks in said town, but also in paying for such a system already built and established, and to maintain, operate, perfect and enlarge the same.

Sec. 3. Be it further enacted, That prior to any election hereafter had under the provisions of this Act, there shall be registration of the persons qualified to vote at such election, which registration shall be held ten days prior to the day of the election. Said registration shall be made by the clerk of the mayor and council of said town in a book kept open for that purpose. No person shall be allowed to register who has not been a *bona fide* resident of said city for ninety days prior to said election, and who is not qualified to vote in the general elections of said town and for members of the General Assembly. A list of the persons registered for the said election shall be posted at the council room door eight days previous to said election. It shall be lawful for any tax-payer of the town of Unadilla to contest the legality of the registration of any voter by filing notice thereof with the mayor of said town, with the grounds thereof, after the close of said registration, and not less than five days before the election. The mayor and council shall proceed in a summary way to hear said contest, and shall, after due notice to the persons whose right to register is contested, have the right to direct the names of such persons found to be illegally registered, if any, to be stricken from the list. The decision of said mayor and council shall be final. Said registration so made shall be conclusive as to who the qualified voters of said town of Unadilla are entitled to vote at said election. The clerk of the council shall, on the day appointed

Unadilla, Authorizing Bonds for Waterworks.

for an election under this Act, and before the polls are open, furnish to the superintendents of said election a list of the persons registered for said election, arranged in alphabetical order. Any persons who shall vote at any election held under this Act, who is not entitled to vote, shall be guilty of a misdemeanor, and on conviction shall be punished as for a misdemeanor.

How held. Sec. 4. Be it further enacted, That all elections held under the provisions of this Act shall be held under the same rules and regulations as govern other elections in said town, and the qualifications of voters shall be such as is heretofore stated, except that no person shall be allowed to vote at any election held under this Act who is not specially registered for said election

Election returns. as is provided in section 3 of this Act. The superintendents of said election shall make returns thereof to said mayor and council, who shall open said returns in open session at 9 o'clock a. m. on the day next succeeding the election, and declare the result thereof, which shall be entered on the book kept by the mayor and council for the record of their proceedings.

Other elections. Sec. 5. Be it further enacted, That should the result of the election held under this Act be "against bonds," then subsequently thereto the mayor and council of said town shall have power and authority to call on other elections under this Act, after six months have elapsed from the date of the first election, and all of the provisions of this Act shall apply to it and to all elections held under this Act.

Proceeds of bonds, how used. Sec. 6. Be it further enacted, That no fund raised under section 1 of this Act, except the sum set apart for the payment of the principal and interest on said bonds, shall be paid out by the treasurer except upon such claims for work done, or money spent, or purchase made in establishing, building, maintaining and operating a system of waterworks for said town, as have been audited and approved by the mayor and council of said town.

Repealing clause. Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved November 19, 1897.

UNADILLA, CHARTER OF AMENDED.

No. 135.

An Act to amend, change and repeal section four of the charter of the town of Unadilla, in Dooly county, Georgia, approved December 24th, 1890, so far as the same relates to the time of election and term of office of mayor and aldermen; to change the term of office and manner of electing said mayor and aldermen so that at the first election after the passage of this Act the mayor and three aldermen will be elected for two years, and three aldermen will be elected for one year, and annually thereafter three aldermen shall be elected for two years each, and every two years thereafter the mayor shall be elected for two years; to change the time of electing said officers from the first Saturday in January of each year to the first Saturday in February of each year, beginning with the year 1898; to authorize the mayor and council of said town to enact by ordinance a local registration law for the general elections of said town, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That section four of the charter of the town of Unadilla, in Dooly county, Georgia, approved December 24th, 1890, be, and the same is, hereby changed, amended and repealed so far as the same relates to the time of election and terms of office of the mayor and aldermen of said town, as is provided in sections two and three of this Act. Unadilla.
Mayor and
aldermen,
elections
of.

Sec. 2. Be it further enacted, That at the first election of mayor and aldermen after the passage of this Act, the mayor and three aldermen shall be elected for the term of two years each, and three aldermen shall be elected for a term of one year each, and annually thereafter; three aldermen shall be elected for terms of two years each, and every two years thereafter the mayor shall be elected for a term of two years or until their successors are elected and qualified (and this applies to the mayor and aldermen). Terms of.

Sec. 3. Be it further enacted, That after the passage of this Act the time of electing said mayor and aldermen shall be on the first Saturday in February of each year, instead of on the first Saturday of January of each year, so that the next regular election of mayor and aldermen shall be on the first Saturday Elections,
when held.

 Unadilla, Authorizing Bonds for Schools.

of February, 1898, and the present mayor and aldermen are hereby empowered and authorized to hold over until that time or until their successors are elected and qualified.

Registra-
tion of
voters.

Sec. 4. Be it further enacted, That the mayor and aldermen of said town are hereby empowered and authorized to enact by ordinance a local registration law that shall apply to all the elections held in said town, except where provided for by special statute; *provided*, no person authorized by law to vote for members of the General Assembly of Georgia shall be prevented from registering if he applies for same within the time that may be prescribed by said mayor and council.

Repealing
clause.

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved November 19, 1897.

 UNADILLA, AUTHORIZING BONDS FOR SCHOOLS.

No. 154.

An Act to amend the charter of the town of Unadilla, in Dooly county, Georgia, so as to authorize the corporate authorities of said town to issue bonds for the purpose of purchasing, equipping and building suitable school buildings in said town, to be used for school purposes; to provide for an election by the voters of said town upon said question; to provide revenue for the payment of the principal and interest of said bonds, and for other purposes.

Unadilla.
Bonds
of for
schools.

Section 1. Be it enacted by the General Assembly of Georgia, That for the purpose of purchasing, building, completing and equipping suitable school buildings to be used for school purposes, the mayor and council of the town of Unadilla are hereby authorized to issue and sell bonds of said town, not exceeding in amount the sum of five thousand dollars of the denomination of five hundred dollars each, to become due and payable at such time or times, not longer than twenty years after the issue thereof, as said mayor and council may determine, and to bear interest not exceeding eight per cent. and payable annually at such time and place as said mayor and council may determine. Said bonds shall be signed by the mayor and countersigned by the treasurer of said town; shall have coupons attached to them for each installment of interest,

Unadilla, Authorizing Bonds for Schools.

which coupons shall be signed by the treasurer of said town. Only so much of said bonds shall be issued as the mayor and council may deem necessary for the purchases above stated. Before issuing said bonds the question of issuing the same shall be submitted to the voters of the town of Unadilla on a day to be designated by the said mayor and council, notice of which shall be published in the newspaper published in the town of Unadilla, and if there be no such paper then in the newspaper in which the sheriff's advertisements for the county of Dooly are published, thirty days before the election. All persons voting in said election shall have written or printed on their ballots the words "For bonds," or the words, "Against bonds," and if two-thirds of the qualified voters of said city qualified to vote at said election, to be ascertained according to the provisions of section three of this Act, shall be for bonds, the mayor and council shall issue said bonds. And for the purpose of providing for the payment of the interest on the bonds so issued and negotiated, as well as to provide for payment of the principal when the same may become due, the mayor and council are authorized and required to levy and collect such tax annually upon the taxable property in said city as will be necessary to carry out the provisions of this section, and said mayor and council shall also provide a sinking fund for the redemption of said bonds as the principal thereof shall become due. Said mayor and council shall have the right after ten years to call in and retire said bonds as fast as they deem proper, and such right shall be incorporated in said bonds.

Election
for.Tax for
interest
and sink-
ing fund.

Sec. 2. Be it further enacted, That authority is hereby granted to the trustees of the Unadilla High School to convey to said mayor and council the property, furniture and building now held by them, said property when so conveyed to be used for school purposes.

School
property.

Sec. 3. Be it further enacted, That prior to any election hereafter had under the provisions of this Act there shall be registration of the persons qualified to vote at such elections, which registration shall be closed ten days prior to the day of the election. Said registration shall be made by the clerk of the mayor and council of said town in a book kept open for that purpose. No person shall be allowed to register who has not been a *bona fide* resident of said city for ninety days prior to said election and who is not qualified to vote in the general elections of said town and for members of the General Assembly. A list of the persons registered for the said election shall be posted at the

Registra-
tion of
voters.

Unadilla, Authorizing Bonds for Schools.

council room door eight days previous to said election. It shall be lawful for any taxpayer of the town of Unadilla to contest the legality of the registration of any voter by filing notice thereof with the mayor of said town, with the grounds thereof, after the close of said registration and not less than five days before the election. The mayor and council shall proceed in a summary way to hear such contest and shall, after due notice to the persons whose right to register is contested, have the right to direct the name of such persons found to be illegally registered, if any, to be stricken from the list. The decision of said mayor and council shall be final. Said registration so made shall be conclusive as to who the qualified voters of said town of Unadilla are entitled to vote at said election. The clerk of the council shall on the day appointed for an election under this Act, and before the polls are open, furnish to the superintendents of said election a list of the persons registered for said election arranged in alphabetical order. Any persons who shall vote at any election held under this Act who is not entitled to vote shall be guilty of a misdemeanor and on conviction shall be punished as for a misdemeanor.

Elections,
how held.

Sec. 4. Be it further enacted, That all elections held under the provisions of this Act shall be held under the same rules and regulations as govern other elections in said town, and the qualifications of voters shall be such as is heretofore stated, except that no person shall be allowed to vote at any election held under this Act who is not specially registered for said election, as is provided in section 3 of this Act. The superintendents of said election shall make returns thereof to said mayor and council, who shall open said returns in open session at 9 o'clock a. m. on the day next succeeding the election, and declare the result thereof, which shall be entered on the book kept by the mayor and council for the record of their proceedings.

Other
elections.

Sec. 5. Be it further enacted, That should the result of the election held under this Act be against bonds, then subsequently thereto the mayor and council of said town shall have power and authority to call another election under this Act after six months have elapsed from the date of the first election, and all of the provisions of this Act shall apply to it and to all elections held under this Act.

Proceeds of
bonds,
how used.

Sec. 6. Be it further enacted, That no fund raised under section 1 of this Act, except the sum set apart for the payment of the principal and interest on said bonds, shall be paid out by the town treasurer except upon such claims for property pur-

Unadilla, Authorizing Bonds for School's.

chased, built, completed or equipped, or work done on buildings to be used for school purposes, as have been audited and approved by the mayor and council of said town.

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. ^{Repealing clause.}

Approved November 30, 1897.

Part III.—Local Laws.

TITLE I.—CITY AND COUNTY COURTS.

“ **II.—EDUCATION.**

“ **III.—MISCELLANEOUS.**

“ **IV.—PRIVATE LAWS.**

Part III.—Local Laws.

TITLE I.

COUNTY OFFICERS, CITY AND COUNTY COURTS.

ACTS.

Bulloch County, Compensation of Ordinary.
Chatham County, Authority of Commissioners in Sanitary Matters.
Chattooga County, Board of Commissioners for.
Clarke County, Board of Commissioners for.
Elbert County, Commissioners for may Borrow Money.
Habersham County, Board of Commissioners for Abolished.
Hancock County, Insolvent Costs in County Courts.
Irwin County, Salary of Commissioner for.
Marion County, Board of Commissioners for.
Miller County, Board of Commissioners Abolished.
Monroe County, Commissioners for, Election of.
Montgomery County, Commissioners for, Compensation of.
Richmond County, Treasurer of.
Schley County, Commissioners for.
Taylor County, Board of Commissioners for.
Twiggs County, Compensation of Ordinary.
Twiggs County, Compensation of Ordinary.
Washington County, Commissioners for.
Wilkes County, Insolvent Costs in County Court.
Wilkes County, Insolvent Costs in County Court.
Albany, City Court of Established.
Baxley, City Court of Established.
Camilla, City Court of Established.
Carrollton, City Court of Established.
Douglas, City Court of Established.
Griffin, City Court of Established.
Forsyth, City Court of Established.
Griffin, Criminal Court for Established.
Gwinnett, Jurisdiction of City Court of Extended.
Jefferson, City Court of Established.
Macon, City Court, Judge's Salary.
Savannah, City Court, Judge's Salary.
Valdosta, City Court of Established.
Waycross, City Court of Established.
Baxley, City Court, Trial Term of Certain Ca es.
Appling, County Court of Abolished.

 Bulloch County, Compensation of Ordinary.

Calhoun, County Court of Abolished.
 Carroll County, City Court of Abolished.
 Clinch, County Court of Abolished.
 Coffee County, City Court of Abolished.
 Dougherty, County Court of Abolished.
 Jackson County, City Court of Abolished.
 Lowndes County, City Court of Abolished.
 Monroe County, City Court of Abolished.
 Spalding County, City Court of Abolished.
 Taylor, County Court Abolished.
 Ware, County Court Abolished.
 Lee County, Fees of Solicitor in County Court of.

BULLOCH COUNTY, COMPENSATION OF ORDINARY.

No. 249.

An Act to provide for the compensation of the ordinary of Bulloch county for extra services, to fix his salary, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, "That the ordinary of the county of Bulloch shall be paid a salary of two hundred and fifty dollars as extra compensation for attending to and superintending the chain-gang of the county, the roads and bridges and other county matters imposed upon him by law.

Sec. 2. Be it further enacted, That the said salary shall be paid quarterly by the county treasurer on proper order drawn by said ordinary, and the said salary shall begin from the time of the approval of this Act.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

 Bulloch
county.

 Compensation
of
ordinary.

How paid.

 Repealing
clause.

Chatham County, Authority of Commissioners in Sanitary Matters.

CHATHAM COUNTY, AUTHORITY OF COMMISSIONERS IN SANITARY MATTERS.

No. 255.

An Act to extend for sanitary and drainage purposes the jurisdiction of the commissioners of Chatham county and *ex officio* judges, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act the commissioners of Chatham county and *ex officio* judges be, and they are, hereby authorized and empowered to compel all persons or corporations whose lands, in their judgment, are in an unsanitary condition and require drainage, to dig and open drains or ditches, or lay underdrains and connect the same with the drainage canals, public drains or ditches of said county, and to keep the same open and in good order.

Sec. 2. Be it further enacted, That upon the failure or refusal of the said owner or owners of lands to comply with the requirements of section one (1) of this Act the said county commissioners shall be, and they are, hereby authorized to enforce said section in the manner prescribed in section 5 of an Act approved September 5, 1885, entitled an Act vesting and establishing in the county of Chatham a right of way in and to all drainage canals, public drains and ditches in Chatham county outside of the corporate limits of the city of Savannah, and for other purposes.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

Chattooga County, Board of Commissioners for.

CHATTOOGA COUNTY, BOARD OF COMMISSIONERS FOR.

No. 301.

An act to create and establish a board of commissioners of roads and revenues for the county Chattooga, and to define their powers and duties.

Chattooga county, commissioners for. Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act there shall be established in the county of Chattooga a board of commissioners of roads and revenues, consisting of five persons, to wit: A. S. Hamilton, R. D. Jones, Charley Hollaud, Henry Perry and S. L. Knox.

Quorum. **Vacancies.** Sec. 2. Be it further enacted, That it shall require three members of said board to constitute a quorum to transact business, and should any vacancy or vacancies occur the remainder shall appoint a citizen of said county to fill the vacancy for the unexpired term, and should the entire board become vacant by death, resignation or otherwise, then the ordinary of said county shall order an election to fill such vacancies.

Qualifications. Sec. 3. Be it further enacted, That all persons who are eligible to vote in other county elections shall be eligible to the office of commissioner as created under this act.

Meetings. Sec. 4. Be it further enacted, That said commissioners shall hold the regular sessions monthly on the third Monday in each month, and as many special sessions as may be necessary for the prompt and proper discharge of their duties. The first meeting of commissioners under this Act shall be held the 3d Monday in January, 1898. Said board of commissioners shall at their first regular meeting elect a clerk of said board, and said clerk shall have the power to sign and attest in the name of said board all processes, rules, orders, judgments, and other papers which by law said board has authority to issue either in vacation or term time, as now practiced in the superior courts, and all of such executions and orders as may be necessary to carry into effect the judgments of said board shall be directed to the sheriff, his deputy or any lawful constable in said county, whose duty it shall be to execute the same according to law; and it shall be the duty of the sheriff or his deputy to attend the sessions of said board, when so required by them, and to

preserve order thereat. Said board may appoint, when they may deem necessary, any constable in said county to act instead of such sheriff or deputy. Said sheriff or constables rendering such service by order of said board shall be allowed the same cost as is now by law allowed for similar services rendered in other courts, and shall be paid only out of such cost or fines as may be collected by said board. They may pay said sheriff or constable such sum as they may fix per diem for attending the meetings of said board. The clerk so elected by said board shall receive such fees for his services from cost as are now allowed the ordinary for similar services, and in addition thereto, said board may pay to said clerk a salary not to exceed fifty dollars per annum.

Sec. 5. Be it further enacted, That said board be a body corporate with power to sue and be sued as the representatives of the county in all matters pertaining to the jurisdiction thereof, but in no case shall any judgment against said board bind any property of any member thereof, and said board in all litigated cases, and all other cases where the ordinary was entitled to fees, shall charge and collect the same as was allowed by law to said ordinary, by order, judgment or otherwise, according to law of said State, and said board shall pay all moneys so collected to the clerk of said board and the sheriff or constables as they are entitled.

Sec. 6. Be it further enacted, That the members of said board shall be entitled to twenty-four dollars per annum for their services, and it shall be the duty of said board to issue an order on the treasurer for the said sum to be paid them and said clerk and sheriff quarterly.

Sec. 7. Be it further enacted, That the said clerk shall take and subscribe to an oath before said commissioners of said county to honestly and faithfully perform all duties required of him as clerk of said board before entering upon the duties of said clerk. That said commissioners shall take the usual oath prescribed for all county officers before the ordinary of said county before entering upon the performance of their duties. The term of office of said clerk shall be at the will of the board of commissioners. The term of office of said commissioners, and their successors, shall be for four years. They shall be elected as other county officers are elected, and receive their commissions from the Governor, except the commissioners herein named. At the next regular election of county officers for said county two commissioners of roads and revenues for said county shall be elected to fill the places of S. L.

Knox and Henry Perry, whose terms of office expire in the manner and the time of other county officers whose terms of office expire with said year. Shall upon the election and qualification of their successors, who will hold their offices for four years, and until their successors are elected and qualified. At the next regular election of county officers for said county thereafter three commissioners shall be elected to fill the places of A. S. Hamilton, Charley Holland and R. D. Jones, whose terms of office shall expire in the manner and at the time of other county officers whose terms of office expire with said year, upon the election and qualification of their successors, who will hold their offices for four years, and until their successors are elected and qualified.

Juris-
diction.

Sec. 8. Be it further enacted, That said commissioners shall have exclusive jurisdiction when sitting for purposes over the following subjects, to wit: 1. Governing and controlling all property of the county as they may deem expedient according to law. 2. Levying a general tax for general and a special tax for particular county purposes, according to the laws of this State. 3. In establishing or discontinuing all public roads, bridges and ferries in said county, according to law, and the general management of the working of the roads of said county under the law. 4. In examining, settling and allowing all claims against the county, and granting orders on the county treasury for the payment of same. 5. In establishing and abolishing election precincts and militia districts in said county, and in establishing and changing district lines. 6. In examining and auditing the accounts of all officers having the care, management, keeping, collecting and disbursement of all moneys belonging to the county or appropriated for its use and benefit, and bringing the same to a settlement, and for this purpose at any time shall have the right to employ an expert accountant, and may pass any and all orders necessary for the production of any or all books and papers of the various county officers. 7. In making such rules and regulations for the government of the poor-house and farm of the county, and for the protection of the health of said county, and for quarantine, as are not inconsistent with the law. 8. In regulating peddling and fixing the cost of license therefor.

Sec. 9. Be it further enacted, That said board of commissioners shall have all the rights, powers and authority which now by law is vested in the ordinary over county matters, and shall be vested with authority to issue all processes, orders and judgments which now by law is vested in said ordinary.

Sec. 10. Be it further enacted, That said board shall hold their

Clarke County, Board of Commissioners for.

sessions at the court-house, in said county, and that it shall keep a full and complete record of all its acts and doing, and a majority of said commissioners shall be necessary to pass any order or decree. They shall keep their books and papers in said court-house at such place as they may deem best. Meetings.

Sec. 11. Be it further enacted, That the treasurer of said county shall not disburse any of the funds of the county treasury, or pay any order, unless the same shall have been first signed by the chairman of said board and the clerk, after the same has been passed on by said board and entered upon the book of minutes. Treasury.

Sec. 12. Be it further enacted, That said board is hereby authorized to buy books and stationery for their use, and do any and all other acts and things necessary to carry into effect this Act, and such necessary expenses incurred by said board shall be paid on order by the treasurer. Expense.

Sec. 13. Be it further enacted, That said board of commissioners shall have the same right to punish for contempt as judges of the superior court in this State. Contempt.

Sec. 14. Be it further enacted, That all books, papers, and records now in the hands of the ordinary of said county, or other officers of said county, pertaining to county matters, shall be immediately turned over to said board of commissioners upon their organization. Ordinary.

Sec. 15. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 18, 1897.

CLARKE COUNTY, BOARD OF COMMISSIONERS FOR.

No. 224.

An Act to create a board of commissioners of roads and revenues for the county of Clarke, to prescribe the duties and powers thereof, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by said authority, That at the next regular term of the superior court of Clarke county after the passage of this Act the grand jury of said county shall elect by ballot three discreet and upright citizens, who are resident freeholders of said county, one of whom shall be Commissioners for. Clarke county.

elected for one year, one for two years and one for three years, and each succeeding grand jury at the spring term of said court shall elect one commissioner, who shall hold office for three years, unless removed by death, resignation or by recommendation of a majority of the grand jury for incompetency, malpractice in office, or until their successors are elected and qualified.

Oath.

Sec. 2. Be it further enacted, That each of the persons so elected shall, before entering upon the performance of his duties, as usual, take and subscribe before the judge of the superior court of said county, or the ordinary of said county, an oath to faithfully perform the duties of commissioner of roads and revenues under this Act and the Constitution and laws of this State, which oath, when taken and signed, shall be recorded in a book of minutes hereinafter required to be kept by the clerk of said board.

Meetings.

Sec. 3. Be it further enacted by the authority aforesaid, That said board of commissioners shall hold their regular meeting on the first Tuesday in each month at the court house or some other convenient place in the city of Athens, said courts beginning on the first Tuesday after the term of court when said commissioners shall have been elected as aforesaid; *provided*, that the regular time of meeting may be changed to some other day of the month by order on their minutes, of which due notice shall be given by publication in the official newspaper of said county, which order shall remain of force until rescinded; *and provided further*, said commissioners may hold special sessions at any time they may see fit and proper, or may be called together by a majority of said board, for county purposes.

Jurisdiction of.

Sec. 4. Be it further enacted by the authority aforesaid, That said commissioners shall have power to exercise exclusive and original jurisdiction and control in Clarke county over all county matters that are now vested by law in the ordinaries of various counties of the State, so far as relates to roads, bridges, public buildings, property, misdemeanor convicts, management of the county jail and its fees, the control and maintenance of its paupers, assessing and collecting taxes, disbursing public money for county purposes, and the execution of all laws in reference thereto.

Quorum.

Sec. 5. Be it further enacted by the authority aforesaid, That a majority of said commissioners shall constitute a quorum to transact business or exercise any power herein delegated pertaining to the duties of said commissioners.

Clarke County, Board of Commissioners for.

Sec. 6. Be it further enacted by the authority aforesaid, That said commissioners at their first meeting in each year shall elect one of their number as chairman, whose duty it shall be to preside at all meetings, to approve and sign the minutes of each meeting, and to sign, as chairman, all orders and processes of said commissioners. Chairman.

Sec. 7. Be it further enacted by the authority aforesaid, That the treasurer of said county shall not disburse or pay out any of its funds from the county treasury on any order unless the same shall have been signed by the chairman of said board and the clerk; *provided*, this shall not apply to jury script and orders drawn by the judge of the superior court. Treasury.

Sec. 8. Be it further enacted by the authority aforesaid, That the board of commissioners shall elect their own clerk, with such pay as the board may allow, and it shall be the duty of said clerk to attend all meetings of the commissioners and keep, in a well bound book, to be provided at the expense of the county, full and accurate records and minutes of all their transactions; to file in order of their date all original orders and other papers, and to arrange and keep in order of their filing all petitions and applications and other papers addressed to said commissioners, and to record in a separate book all orders given or approved by said commissioners for the payment of money by the county treasurer; and all books, files and records by this Act required to be used or kept shall always be open at the county site for the inspection of any taxpayer of the county on demand. Clerk.

Sec. 9. Be it further enacted by the authority aforesaid, That said commissioners shall at each term of the superior court prepare and submit to the grand jury a complete statement in writing of the condition of the county property, paupers, finances and public roads and buildings, and shall, whenever called on by the grand jury, furnish full and distinct information concerning the public business of the county. Reports to grand juries.

Sec. 10. Be it further enacted by the authority aforesaid, That said commissioners shall be commissioned in the same manner as justices of the peace. How commissioned.

Sec. 11. Be it further enacted by the authority aforesaid, That the said board of commissioners shall require said clerk before entering upon the discharge of his duties to take the same oath taken by them, and enter into bond with good security, payable to said commissioners and their successors in office, conditioned to well and truly do and perform the duties Oath and bond of clerk.

Elbert County, Commissioners for May Borrow Money.

of said office, said bond to be in the sum of one thousand dollars.

Ordinary. Sec. 12. Be it further enacted by the authority aforesaid, That the ordinary of said county of Clarke shall deliver to said commissioners all books and papers relating to the jurisdiction and powers herein conferred, and said ordinary shall have no power to exercise any of the powers herein conferred upon said commissioners after their election and qualification.

Per diem. Sec. 13. Be it further enacted by authority aforesaid, That said commissioners shall receive not more than three dollars per day each while occupied and engaged at the regular and special sessions in transacting business for county purposes, to be paid by the treasurer of the county on an order drawn by the order of the board and signed by the chairman and clerk; and said commissioners shall be exempt from road, jury and militia duty, and shall be subject to prosecution for malpractice in office in the same manner as justices of the peace.

Vacancies. Sec. 14. Be it further enacted by the authority aforesaid, That all vacancies in said board shall be filled by the remaining commissioners until the next meeting of the grand jury.

Repealing clause. Sec. 15. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

ELBERT COUNTY, COMMISSIONERS FOR MAY BORROW MONEY.

No. 184.

An Act to authorize and empower the commissioners of roads and revenues of Elbert county to borrow money to supply casual deficiencies of revenue; to prescribe the purposes for which such money may be used; to authorize said commissioners to give their obligation therefor; to make the county liable for such obligation; to authorize the levy of a tax to repay same, and for other purposes.

Elbert county. Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the commissioners of roads and revenues of Elbert county shall have

Habersham County, Board of Commissioners for Abolished.

authority and power to borrow money to supply casual deficiencies of revenue, not to exceed one-fifth of one per centum of the assessed value of the taxable property of said county, and to make and execute an obligation therefor, conditioned only for the repayment thereof, and when such obligation is made and executed the county of Elbert shall be bound for the payment of such obligation, and said commissioners shall have power to levy a tax for the purpose of paying off such claim or obligation; *provided*, that such money so borrowed shall not be used for any purpose other than those mentioned in article seven, section six and paragraph two of the Georgia Constitution of 1877.

Commissioners authorized to borrow money.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 6, 1897.

HABERSHAM COUNTY, BOARD OF COMMISSIONERS FOR
ABOLISHED.

No. 228.

An Act to repeal an Act creating a board of county commissioners of roads and revenues for the county of Habersham, approved December 16th, 1895.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That the Act creating a board of roads and revenues for the county of Habersham, approved December 16th, 1895, be, and the same is, hereby repealed.

Habersham county, board of commissioners for abolished.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act are hereby repealed.

Repealing clause.

Approved December 15, 1897.

Hancock County, Insolvent Costs in County Court.—Irwin County, Salary of Commissioner for.

HANCOCK COUNTY, INSOLVENT COSTS IN COUNTY COURT.

No. 323.

An Act to authorize the board of commissioners of roads and revenues of Hancock county to pay the insolvent criminal costs of the solicitor, clerk and bailiff of the county court of Hancock county, in each case of conviction, where the convict is placed at work in the county chain-gang.

Hancock
county.

Insolvent
costs of
officers of
county
court, how
paid.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the board of commissioners of roads and revenues of Hancock county may, in their discretion, pay to the solicitor, clerk and bailiff of the county court of said county, their respective bills of insolvent criminal costs in each case of conviction, where the convict is placed at work in the county chain-gang, or so much of it as in their judgment will be just and fair, but in no instance shall they pay more than the services of said convict shall be worth to the county, keeping in mind the condition of the treasury and term of service of the convict.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this be, and the same are, hereby repealed.

Approved December 20, 1897.

IRWIN COUNTY, SALARY OF COMMISSIONER FOR.

No. 226.

An Act to fix a salary for the commissioner of roads and revenues of Irwin county, provide the manner of the payment of the same, and for other purposes.

Irwin
county,
salary of
commis-
sioner for.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the commissioner of roads and revenues of Irwin county shall receive for his services in performing the duties of said office a salary of six hundred dollars per annum.

Sec. 2. Be it further enacted by the authority aforesaid, That

Marion County, Board of County Commissioners for.

said salary shall be paid in quarterly installments from funds of ^{How paid.} the county treasury, as other expenses of the county are paid, and said commissioner of roads and revenues is hereby authorized, when said salary or any installment thereof shall fall due, to draw his warrant on the county treasury for the same.

Sec. 3. Be it further enacted by the authority aforesaid, ^{Repealing clause.} That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

MARION COUNTY, BOARD OF COUNTY COMMISSIONERS FOR.

No. 227.

An Act to create a board of county commissioners of roads and revenues in the county of Marion, to define their powers and duties, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That at the ^{Marion county.} first regular spring term of the superior court of said county of Marion after the passage of this Act, there shall be elected by ^{Board of commis-} the grand jury three citizens of said county, who shall, after ^{sioners for,} taking the oath hereinafter prescribed, constitute a board of ^{how se-} commissioners of roads and revenues for said county. ^{lected.}

Sec. 2. Be it further enacted, That at the first election by the ^{Terms of commis-} grand jury one of said commissioners shall be elected for the ^{sioners.} term of three years, one for the term of two years, and one for the term of one year, and at each successive spring term of said court there shall be elected one commissioner for the term of three years, or until their successors in office are elected and qualified. All vacancies by death, resignation, removal or dis- ^{Vacancies..} ability shall be filled by the first grand jury which convenes after such vacancy occurs.

Sec. 3. Be it further enacted, That no person shall be com- ^{Oath of commi-} petent to serve on said board until he shall have taken the ^{sioners.} following oath of office, which shall be administered by the judge of the superior court, the clerk of said court, or the ordinary, which oath shall be recorded in the book of records of the proceedings of said board hereinafter provided for, to wit: You, and each of you, do solemnly swear that you will faithfully discharge the duties of the commissioners of roads and

Marion County, Board of County Commissioners for.

revenues, and in all matters which require your official action you will so act as in your judgment will be most conducive to the welfare and prosperity of the entire county.

Commissioned.

Sec. 4. Be it further enacted, That upon the election of said board by the grand jury of the county, it shall be the duty of the clerk of the superior court to certify to the Governor, under the seal of his office, the names of the persons so chosen, and the Governor shall, upon the receipt thereof, commission them for the term to which they may have been respectively elected, and upon presentation of their commissions and taking the oath above prescribed, they shall enter at once upon the discharge of their duties.

Quorum.

Sec. 5. Be it further enacted, That two of said board shall be a quorum, and two must concur to pass any order, or let any contract, or pledge the county credit, or grant or allow any claim against the county.

Jurisdiction.

Sec. 6. Be it further enacted, That said board, when sitting for county purposes, shall have exclusive jurisdiction over the following subject-matters: 1st. In governing and controlling all county property as they may deem best according to law; letting, hiring, or farming out the county convicts of said county within the limitations prescribed by section 1039 of the Penal Code of 1895. 2d. Levying taxes for county purposes in accordance with law. 3d. In examining and auditing accounts of all officers or persons having care, management, keeping, controlling, or disbursing of money belonging to the county, or appropriated for its use, and bring them to settlement. 4th. In examining, auditing, allowing, and settling all claims against the county. 5th. In making such rules and regulations for the support of paupers, and the promotion of the health of the county, as are not inconsistent with the laws of this State. 6th. In establishing, altering, abolishing, or opening roads, bridges, and ferries in accordance with law. 7th. In the appointment of road commissioners, and in the general management of the roads, bridges, and revenues of the county, and exercise all the powers over county officers in said county as is now exercised by the ordinary. To grant or refuse to grant license to sell spirituous liquors in said county, in their discretion, according to existing laws.

Meetings.

Sec. 7. Be it further enacted, That said commissioners shall hold at least one meeting each month, and shall keep a record of all their proceedings in a well bound book, to be purchased by them for the purpose and paid for out of the county treasury

 Miller County, Board of Commissioners Abolished.

on their order, and shall submit the same to the inspection of the grand jury at each regular term of the superior court. Said commissioners may hold special sessions in addition to the regular monthly sessions whenever the interest of the county demands it, and they shall at their first meeting after their organization under this Act appoint some suitable person to ^{Clerk.} serve as clerk, who shall take the following oath, to wit: You do solemnly swear that you will well and faithfully perform the duties required of you as clerk of said board of commissioners; and in addition to the above oath, said clerk shall be required to give bond in the sum of five hundred dollars (\$500) for the faithful performance of his duties. The term of office of said clerk shall be three years, unless removed by said commissioners, they having the power to do so. It shall be the duty of said ^{Salary.} commissioners, in their discretion, to fix the salary of said clerk.

Sec. 8. Be it further enacted, That said board of commissioners shall meet at the court house, or some other convenient place, as they see fit, at the county site on the first Monday in each month, and on such other days as they may determine. The members of said board shall be paid the sum of two dollars ^{Compensation of} (\$2.00) per day for the time they are actually engaged in their official duties, to be paid by the county treasurer on the order of ^{commissioners.} said board.

Sec. 9. Be it further enacted, That said board shall have the ^{Contempt.} same powers and authority to punish for contempt of their court as the courts of ordinary have in this State.

Sec. 10. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, ^{Repealing} and the same are, hereby repealed, ^{clause.}

Approved December 15, 1897.

 MILLER COUNTY, BOARD OF COMMISSIONERS ABOLISHED.

No. 238.

An Act to repeal an Act entitled an Act creating a board of county commissioners of roads and revenues for the county of Miller, approved December 24, 1888, and amended and approved October 16, 1889.

Section 1. Be it enacted by the General Assembly of the State

 Monroe County, Commissioners for, Election of.

Miller
county.Board of
commis-
sioners
abolished.Ordinary,
powers and
duties of.Repealing
clause.

of Georgia, and it is hereby enacted by authority of the same, That the Act of December 24, 1888, and the Act of October 16, 1889, amending the Act of December 24, 1888, creating a board of commissioners of roads and revenues for the county of Miller, be, and the same are, hereby repealed.

Sec. 2. Be it further enacted by the authority aforesaid, That the ordinary of said county of Miller be and he is hereby authorized and empowered to take charge of the roads and revenues of said county, as the ordinary of said county had before said board of commissioners was created by said Act heretofore referred to.

Sec. 3. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

 MONROE COUNTY, COMMISSIONERS FOR, ELECTION OF.

No. 325.

An Act to amend an Act entitled "An Act to create a board of commissioners of roads, public property, public buildings, and finances, for the county of Monroe, and for other purposes," approved August 27th, 1872, so as to provide for the election of five county commissioners for said county by the duly qualified voters thereof; to provide the manner, time and place of said election, and to fix the pay of said commissioners.

Monroe
county.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the above referred to Act, the same being "an Act to create a board of commissioners of roads and public buildings and public property and finances for the county of Monroe, and for other purposes," approved August 27th, 1872, be, and the same is, hereby amended by striking therefrom section 1, which provides for the selection of three commissioners by the grand jury; section 2, which provides for the oath and term of office of the county commissioners, and section 3, which provides the number of said commissioners that shall constitute a quorum, and section 4, which refers to the liability of said commissioners, and section 8, which provides for the compensation of said clerk, and substitute in lieu thereof the following:

Monroe County, Commissioners for, Election of.

Sec. 2. That on and after the first day of January, 1899, there shall be a board of commissioners for said county consisting of five honest, discreet and upright citizens, all of whom shall be residents of Monroe county, and the entire board shall hereafter consist of five men as aforesaid, and the term of said commissioners shall be for two years, except as hereinafter provided; they shall be elected at the same time and by the same electors as members of the General Assembly are elected, and the result of the election shall be declared as the result is declared in case of other county officers, and in case of contest the method shall be as in case of other county officers; the term of office of the present commissioners shall be as follows: all of the commissioners now in office shall hold over until January 1st, 1899, at which time their term of office shall expire.

Sec. 3. Be it further enacted, That the first election under this Act shall be at the general State election in 1898, when five commissioners shall be elected, all of whom shall go into office on January 1st, 1899, and hold two years, and their successors shall be elected as above provided. All commissioners elected under this Act shall take the oath prescribed by law for all civil officers, and should a vacancy occur in said board the judge of the superior court of Flint circuit shall appoint his or their successors to fill said vacancy until the next election as aforesaid.

Sec. 4. Be it further enacted as aforesaid, That it shall require three of said commissioners to constitute a quorum to transact any business, and three of said commissioners must concur to pass any order or decree or business pertaining to the duties of said commissioners; that said commissioners while acting as such are disqualified from holding any other county office, but they may be members of the General Assembly, and may elect one of their body superintendent of public roads for said county, whose duties shall be defined by a majority of said board, and whose salary shall also be fixed by a majority of said board; and said commissioners may be officers of the militia and are exempt from road and jury duty.

Sec. 5. Be it further enacted as aforesaid, That said board may elect a clerk, whose duty shall be defined by said board, who shall be paid out of the county treasury one hundred and fifty dollars and the same per diem as is allowed the other commissioners, and the other commissioners shall be paid \$50.00 a year each out of the county treasury of Monroe county, which amount shall be increased to not more than seventy-five dollars (\$75.00) in case that extra

 Monroe County, Commissioners for, Election of.

sessions of the said board are held to be expedient by a majority of the said commissioners.

Juris-
diction.

Sec. 6. Be it further enacted as aforesaid, That said board of commissioners shall have exclusive jurisdiction, when sitting for county purposes, over the following subject-matter, to wit: 1st. In binding and controlling all property of the county, as they may deem expedient, according to law; 2d. In levying a general tax for general purposes, and a special tax for particular or special purposes, according to the provisions of the Code of the laws of Georgia; 3d. In establishing, altering and abolishing all roads, bridges and ferries in the county of Monroe in conformity to law; 4th. In establishing and changing election precincts and militia districts; 5th. In examining, settling and allowing all claims against the county of Monroe; 6th. In examining and auditing the accounts of all officers having the care, management, keeping, collecting and disbursement of money belonging to the county or appropriated for its use and benefit, and in bringing them to a speedy settlement; 7th. In making such rules and regulations for the support and maintenance of the poor of the county of Monroe, and for the promotion of health, as are granted by law or not inconsistent therewith; 8th. In examining the tax digest of the county of Monroe and reassessing each individual's taxable property, or portion thereof, as they may deem right and proper; 9th. In regulating peddling and fixing costs of license therefor.

Roads.

Sec. 7. Be it further enacted as aforesaid, That said board of commissioners shall have the same powers in appointing road commissioners and enforcing the road laws as justices of the inferior court had by the Code of Georgia prior to the ratification of the late State Constitution, and shall exercise such other powers as are granted by the Code of the State to said justices, or as are indispensable to their jurisdiction, and shall have no jurisdiction save and except such as pertain to matters of the county of Monroe.

Meetings.

Sec. 8. Be it further enacted as aforesaid, That said board shall hold twelve regular sessions annually at the court-house, one session on the first Tuesday in each and every month; *provided, nevertheless*, that a majority of said board may meet in extraordinary session, whenever, in the county of Monroe, as in their judgment may be necessary.

Election
for this
law.

Sec. 9. Be it further enacted, That this Act shall not become operative until the same has been voted upon and adopted by the qualified voters of said county of Monroe, and at the general election to be held in October, 1898, the question of the acceptance

 Montgomery County, Commissioners for, Compensation of.

or rejection of the Act shall be submitted to the qualified voters of said county, and those in favor of the adoption of this Act shall have written or printed upon their ballots "For the new law," and those opposed shall have written or printed upon their ballots "Against the new law," and if a majority of the qualified voters at said election shall cast their votes "For the new law," then this Act shall become operative immediately upon the declaration of the result as hereinafter provided. If a majority of the qualified voters shall cast their votes against the new law then the present law shall remain of force, and this Act shall be of no effect. The election provided for in this section shall be held and conducted and the result declared as near as practicable in accordance with the provisions of section 1545 of the 1st volume of the Code and any contest thereof shall be conducted as provided for in section 1546 of the 1st volume of the Code. At such general election the qualified voters of said county shall also vote for and elect the five commissioners provided for in this Act, and if this Act should be adopted the said commissioners shall take and hold office as herein provided; but if this Act should be rejected, the commissioners at that time in office shall continue to hold office as provided for in the present law.

Sec. 10. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 20, 1897.

MONTGOMERY COUNTY, COMMISSIONERS FOR, COMPENSATION OF.

No. 319.

An Act to amend an Act entitled an Act to create a board of commissioners of roads and revenues for the county of Montgomery and to define the powers and duties of the same, approved February 22d, 1873, so as to provide compensation for the members of the said board, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the fifth section of said Act be, and the same is, hereby amended by striking out from said section the words "shall receive no other compensation" and by inserting in lieu thereof the words Montgomery County,.

Richmond County, Treasurer of.

Commissioners for.

Exemptions and salary.

Repealing clause.

"each member of said board shall receive twenty-five dollars per annum," so that said section when so amended shall read as follows:
 Sec. 5. "That said commissioners shall not be entitled to hold any other county office during their term of service as such commissioners, but may be members of the General Assembly. They shall be exempt from militia, road and jury duty, and each member of said board shall receive twenty-five dollars per annum."

Sec. 2. Be it enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

RICHMOND COUNTY, TREASURER OF.

No. 307.

An Act to define the duties and to fix the compensation of the Treasurer of Richmond county.

Richmond county.

Treasurer of duties of.

Compensation of.

Repealing clause.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the first day of January, 1898, the treasurer of Richmond county, in addition to the duties now discharged by him, and in compliance with the provisions of paragraph 460, section 3, chapter 9 of the Code of Georgia, shall be required to examine, audit and verify the accounts of such county officers of said county as are charged with the collection of county funds, and to make report of such examination and verification to and discharge such other duties as may be required of him by the commissioner of roads and revenues of said county.

Sec. 2. Be it further enacted, That from and after the first day of January, 1898, the compensation of the treasurer of Richmond county shall be two thousand dollars per annum, payable monthly from the county treasury upon warrants issued by the commissioners of roads and revenues of said county.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 18, 1897.

Schley County, Commissioners for.—Taylor County, Board of Commissioners for.

SCHLEY COUNTY, COMMISSIONERS FOR.

No. 241.

An Act to amend an Act to create a board of commissioners of roads and revenues in the counties of Floyd, Berrien, Effingham, Schley, Sumpter and Green, approved on the 13th of December, 1871, so far as relates to the county of Schley, by giving additional powers to said board of commissioners of Schley county.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act. that the board of commissioners of roads and revenues of Schley county shall have the power to pass upon the bonds of county officers of the said county of Schley. Schley county.
Bonds of officers.

Sec. 2. Be it further enacted by the authority aforesaid, That the said board of commissioners of Schley county shall have the power to administer oaths to and to relieve parties from taxes as has heretofore been done by the ordinary of said county of Schley. Relief from taxes.

Sec. 3. Be it further enacted by the authority aforesaid, That the said board of commissioners of roads and revenues of Schley county shall have the power to hold adjourned and called meetings of said board of commissioners of roads and revenues of Schley county. Meetings of commissioners.

Sec. 4. Be it further enacted by the authority aforesaid, That the said board of commissioners of roads and revenues of Schley county shall have the power to contract for the hire of prisoners belonging to said county of Schley. Hire of prisoners.

Sec. 5. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 15, 1897.

TAYLOR COUNTY, BOARD OF COMMISSIONERS FOR.

No. 225.

An Act to create and establish a board of roads and revenues for the county of Taylor, elect their successors in office, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it

Taylor County, Board of Commissioners for.

Board of
roads and
revenues of
Taylor
county.

is hereby enacted by authority of the same, That from and after the passage of this Act, there shall be created and established for the county of Taylor a board of roads and revenues consisting of three members.

Members
of ap-
pointed.

Sec. 2. Be it further enacted by the authority aforesaid, That the first three members of said board shall be R. G. Tomlin, W. W. Foy and A. H. Sealey, who shall hold said office until the time of the next election for ordinary of said county, and until their successors shall have been elected and qualified as hereafter provided.

Elections
for:

Sec. 3. Be it further enacted by the authority aforesaid, That at the next regular election for the ordinary of Taylor county, to be held on the first Wednesday of October, 1900, there shall be elected by the qualified voters of said county three members of said board; that at said election for said members of said board, the three persons receiving the highest or greatest number of votes cast at said election for members of said board shall be the duly elected members of said board; and said members so elected shall hold office for four years and until their successors shall have been elected and qualified. In case of death of either commissioner, the vacancy shall be filled by recommendation of the grand jury and approved by the Governor, to hold until the next regular election for commissioners.

Terms of.

Sec. 4. Be it further enacted by the authority aforesaid, That the members of said board shall each hold office after the first election for four years and until their successors shall have been elected and qualified; and all elections for members of said board, except special elections to fill vacancies, shall be held on the same day, and at the same time and places appointed for the election of ordinaries of said county; and said elections shall be held under the rules and regulations governing the election of ordinaries.

Qualifi-
cations.

Sec. 5. Be it further enacted by the authority aforesaid, That no person shall be eligible to become a member of said board who is not a qualified elector of said Taylor county for member of the most numerous branch of the General Assembly of this State.

Oath.

Sec. 6. Be it further enacted by the authority aforesaid, That each member of said board, before entering upon the duties of his said office, shall, in addition to the usual oath of office, take and subscribe the following oath: "I, —, do swear (or affirm) that I will faithfully discharge my duty as a member of the board of roads and revenues of Taylor county to the best of my ability and understanding, according to the Constitution and laws of this State, so help me God."

Sec. 7. Be it further enacted by the authority aforesaid, That

Taylor County. Board of Commissioners for.

when each of the members of said board shall have taken the oath of office prescribed by this Act they shall organize said board by electing a chairman, and said board when so organized shall have full power to adopt all rules and regulations necessary for the government of said board and to facilitate the dispatch of business. Organiza-
tion of
board.

Sec. 8. Be it further enacted by the authority foresaid, That the ordinary of said county shall be *ex officio* clerk of said board, and shall receive the annual compensation of one hundred dollars (\$100.00) for his services. He shall take and subscribe the oath of office required of the members of said board. Ordinary
ex officio
clerk.

Sec. 9. Be it further enacted by the authority aforesaid, That said board shall cause its clerk to keep full, fair and correct minutes of each of its meetings; and said minutes shall be read and approved at the close or the beginning of the next regular meeting of said board. Minutes.

Sec. 10. Be it further enacted by the authority aforesaid, That each member of said board shall receive for his services the sum of two dollars (\$2.00) for each and every day he shall be engaged in the transaction of the county business. The clerk and members of said board shall be paid monthly or quarterly as the board may direct; and they shall be paid by the treasurer of said county upon an order signed by the chairman and countersigned by the clerk of said board, but such orders shall be drawn only upon a majority vote of said board and duly recorded on the minutes thereof. Compen-
sation of
members of
board.

Sec. 11. Be it further enacted by the authority aforesaid, That said board when so organized according to the provisions of this Act shall have full and complete control of all the county or public business of said county of Taylor, including the levying and collecting of county taxes; shall have charge of the public and private ways of said county with power to cause the same to be opened or closed, or cause new ways to be laid out as the public interest may demand; shall have charge of the court-house, jail and all other county property, and said board shall have all the jurisdiction over county affairs formerly held and exercised by the old inferior courts of said State. Juris-
diction.

Sec. 12. Be it further enacted by the authority aforesaid, That said board shall audit and control, and if found correct, order paid all claims against said county, except when it is by law otherwise specially provided, and the treasurer of said county shall keep and file all the orders drawn by said board on him as vouchers for the amount of money paid out on each order drawn upon him. Control of
county
finances.

 Twiggs County, Compensation of Ordinary.

 Repealing
clause.

Sec. 13. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

 TWIGGS COUNTY, COMPENSATION OF ORDINARY.

No. 240.

An Act to amend section 3 of an Act entitled an Act to repeal an Act entitled an Act to organize a board of county commissioners for the county of Twiggs, approved by the General Assembly of the State of Georgia, March 2d, 1875, by striking out at the end of said section 3 the words "two hundred and fifty dollars" and inserting in lieu thereof the following, "six hundred dollars," to be paid out of the treasury of the county of Twiggs, viz.: one hundred and fifty dollars on April 1st, one hundred October 1st, one hundred and fifty dollars on January 1st. October 1st, one hundred and fifty dollars on January 1st.

 Ordinary
of Twiggs
county,
compen-
sation of.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, section 3 of an Act to amend an Act entitled an Act to repeal an Act entitled an Act to organize a board of county commissioners for the county of Twiggs, approved by the General Assembly of the State of Georgia, March 2d, 1895, by striking out at the end of said section 3 the words "two hundred and fifty dollars" and insert in lieu thereof the following, six hundred dollars, to be paid out of the treasury of the county of Twiggs, viz.: one hundred and fifty dollars on April 1st, one hundred and fifty dollars on July 1st, one hundred and fifty dollars on October 1st, one hundred and fifty dollars on January 1st, so that said section shall read as follows: Sec. 3. Be it further enacted by the General Assembly of the State of Georgia, That the ordinary of said county shall have for his compensation the sum of six hundred dollars, to be paid out of the treasury of the county of Twiggs, viz.: one hundred and fifty dollars on April 1st, one hundred and fifty dollars on July 1st, one hundred and fifty dollars on October 1st, one hundred and fifty dollars on January 1st.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 15, 1897.

Twiggs County, Compensation of Ordinary — Washington County, Commissioners for.

TWIGGS COUNTY, COMPENSATION OF ORDINARY.

No. 294.

An Act to repeal an Act to create an Act to provide for the compensation of the ordinary of Twiggs county for extra services, and so forth, approved December 23d, 1896.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That an Act to create an Act to provide for the compensation of the ordinary of Twiggs county for extra services, and so forth, approved December 23d, 1896, be, and the same is, hereby repealed. Twiggs county, compensation of ordinary of.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.
Approved December 16, 1897.

WASHINGTON COUNTY, COMMISSIONERS FOR.

No. 242.

An Act to create a Board of Commissioners for Roads, Public Property and Finance for the county of Washington, and to define the duties and powers of the same, and for other purposes.

Section 1. Be it enacted, That there shall be established in the county of Washington a Board of Commissioners of Roads and Revenue, to consist of seven persons, to wit: R. R. Smith, J. C. Harman, Joseph R. Daniel, A. C. Harrison, S. J. Taylor, B. C. Harris, and Wiley Harris. Washington county. Commissioners.

Sec. 2. Be it further enacted, That the term of office of R. R. Smith shall be one year, the term of office of J. C. Harman shall be two years, the term of office of Joseph R. Daniel shall be three years, the term of office of A. C. Harrison shall be four years, the term of office of S. J. Taylor shall be five years, the term of office of B. C. Harris shall be six years, and the term of office of Wiley Harris shall be seven years, all of which terms shall commence on the first Tuesday in January, 1898, on which date said board shall organize with full power to act as a board of commissioners of said county, exercising jurisdiction over all county matters set forth by Terms of.

Washington County, Commissioners for.

general enactment, as well as all matters specially mentioned in this Act.

Elections
by grand
juries.

Sec. 3. Be it further enacted, That the grand jury, at the fall term, 1898, shall elect a member to said board, who shall qualify as a member of said board at the first meeting in the year 1899, to fill the vacancy occasioned by the expiration of the term of R. R. Smith, and that succeeding grand juries at the fall terms of the court each year shall elect one member to fill the vacancy that will occur the succeeding January; and that, commencing with the election of the member at the fall term, 1898, all members so elected shall hold their office on said board for a term of seven years.

Vacancies.

Sec. 4. Be it further enacted, That in case of a vacancy on said board, occasioned by death, resignation, or otherwise, the grand jury at the next succeeding term of the court shall fill said vacancy for the unexpired term.

Quorum.

Sec. 5. Be it further enacted, That it shall require four of said commissioners to constitute a quorum to transact any business, and four of said commissioners must concur to pay any order or decree, or to transact any business pertaining to the duties of said commissioners.

Exempted
from road
and jury
duty.

Sec. 6. Be it further enacted, That said commissioners, during their term of office, are exempt from militia, road, and jury duty.

Juris-
diction.

Sec. 7. Be it further enacted, That said board of commissioners shall have exclusive jurisdiction, when sitting for county purposes, over the following subject matter, to wit: First, In building and controlling all property of the county as they may deem expedient, according to law. Second, In levying a general tax for general purposes, and special taxes for particular or special purposes, according to the provisions of the Code and special enactments of the General Assembly. Third, In establishing, altering, building, repairing, and abolishing all roads, bridges and ferries in the county of Washington, in conformity to law. Fourth, In establishing and changing election precincts and lines of militia districts. Fifth, In examining, settling and allowing all claims against the county of Washington. Sixth, In examining and auditing the accounts of all county officers who receive or pay out moneys of the county or State, and in examining and reviewing all matters of record as required to be kept by law. Seventh, In collecting and disbursing all funds belonging to the county or appropriated for its use or benefit, and in bringing all debtors of the county to a speedy settlement. Eighth, In making such rules and regulations for the support and maintenance of the poor of the county of Washing-

 Wilkes County, Insolvent Costs in County Court.

ton, and for the promotion of health, as are permitted by law, or not inconsistent therewith. Ninth, In regulating peddling and fixing costs of licenses therefor.

Sec. 8. Be it further enacted, That said board shall meet at the Meetings. court-house in said county, and hold their sessions at such times as may be agreed upon and advertised by them.

Sec. 9. Be it further enacted, That said board shall be authorized Secretary. to employ a secretary, who shall be paid the same per diem as members of the board.

Sec. 10. Be it further enacted, That for each day's service ren- Per diem. dered by members of this board they shall each receive the same pay per day as is received by jurors for jury duty.

Sec. 11. Be it further enacted, That the acts and doings of said Reports to grand jury. board shall be open to the investigation of each grand jury, and that said board shall make a full and complete report of the finances of the county and condition of the county offices, as well as such reports as may be deemed necessary concerning all officers of the county, at the spring term of the court.

Sec. 12. Be it further enacted, That all laws and parts of laws in Repealing clause. conflict herewith are hereby repealed.

Approved December 15, 1897.

 WILKES COUNTY, INSOLVENT COSTS IN COUNTY COURT.

No. 179.

An Act to repeal an Act approved February 28th, 1876, providing "that insolvent cost of the solicitor mentioned in said amendatory Act shall be paid from funds realized from hiring out convicts of said county court in Wilkes county, by the judge thereof, and as well as from fines and forfeitures."

Section 1. Be it enacted by the General Assembly of Georgia, That the above recited Act, approved February 28th, 1876, which provides that "the insolvent cost of the solicitor mentioned in the said amendatory Act shall be paid from funds realized from hiring out convicts of said county court in Wilkes county, by the judge thereof, and as well as from fines and forfeitures," be, and the same is, hereby repealed.

Sec. 2. Be it further enacted, That all laws and parts of laws Repealing clause. in conflict with this Act be, and the same are, hereby repealed.

Approved December 6, 1897.

Wilkes County, Insolvent Costs in County Court.—City Court of Albany Established.

WILKES COUNTY, INSOLVENT COSTS IN COUNTY COURT.

No. 182.

An Act to regulate the distribution of the fund arising from fines and forfeitures in the county court of Wilkes county.

Wilkes
county
court, in-
solvent
costs in.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the fund arising from fines and forfeitures in the county court of Wilkes county shall be paid by the judge thereof, *pro rata*, on claims for insolvent costs of the officers of said court, and of the justices and constables who have like claims in said court, as provided for in section 776, volume 3 of the Code of 1895; and in the distribution of said fund no officer of the county court shall have any lien on said fund, or any preference in the distribution of the same, by reason of claims of insolvent costs which have accumulated previously to the passage of this Act.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 6, 1897.

CITY COURT OF ALBANY ESTABLISHED.

No. 263.

An Act to establish the city court of Albany in and for the county of Dougherty; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof; to define their powers and duties, and for other purposes.

City court
of Albany.

Juris-
diction.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the city court of Albany, to be located in the city of Albany, in the county of Dougherty, is hereby established and created with civil and criminal jurisdiction over the whole county of Dougherty, concurrent with the Superior Court, to try and dispose of all civil cases of whatsoever nature wherein the amount claimed or involved, inclusive of interest, is as much as fifty dollars, except those of which the Constitution of the State has given the Superior Court exclusive jurisdiction, and with criminal jurisdiction to try

and dispose of all offenses below the grade of felony committed in the county of Dougherty; that the jurisdiction herein conferred shall include not only the ordinary suits by petition and process, but also all other kinds of suits and proceedings which now or hereafter may be in use in the Superior Courts either under the common law or by statute, including among others attachment and garnishment proceedings, illegalities, counter affidavits to any proceeding from said court, statutory awards, proceedings against intruders and tenants holding over, partition of personalty, issues upon distress warrants, foreclosure of all liens and mortgages and *quo warrantos*.

Sec. 2. Be it further enacted by the authority aforesaid, That Appeals and *certioraris*. city court shall have concurrent jurisdiction with the Superior Court of all appeals and *certioraris* from all inferior courts in said county except the court of ordinary, said appeals and *certioraris* to be had under the same rules governing such remedies in the Superior Court. The city judge is hereby given authority to sanction petitions for *certiorari* returnable to said city court. The writs of *certiorari* shall be issued in five days after filing the petition and sanctioned and made returnable to the first quarterly term after twenty-five days from the date of said writ. As to everything else about *certioraris* the same rules apply as in Superior Court. Appeals shall be returned to the quarterly terms and stand for trial at the first term after ten days from the time of entering the appeal.

Sec. 3. Be it further enacted by the authority aforesaid, That Judge. there shall be a judge of said city court, who shall be appointed by the Governor, by and with the consent and advice of the Senate, who shall hold his office for the term of four years, and all vacancies in the office of judge shall be filled by appointment by the Governor for the residue of the unexpired term, but should a vacancy occur when the Senate shall not be in session the Governor shall appoint to fill such vacancy, and submit such appointment to the Senate which shall next thereafter convene. The judge of said city court shall receive a salary of fifteen hundred dollars per annum, which shall not be diminished or increased during his continuance, except to apply to a subsequent term in office, and which shall be paid monthly by the treasurer of the county of Dougherty; and it shall be the duty of the commissioners of roads and revenues of said county, or other proper officer, to make provision annually in levying the taxes for this purpose. The said judge shall receive

no other compensation, but may practice law in any court except his own.

Qualifica-
tions of.

Sec. 4. Be it further enacted by the authority aforesaid, That no one shall be eligible to the office of said judge unless he be at the time of his qualification at least thirty years of age, a resident of Dougherty county for four years immediately preceding the appointment, and must have practiced law four years. He shall, before entering upon the duties of his office, take and subscribe the following oath: "I solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and rich, and that I will faithfully and impartially perform and discharge all the duties which may be required of me as judge of the city court of Albany of this State, according to the best of my ability and understanding, agreeably to the laws and Constitution of this State and the Constitution of the United States, so help me God," which oath shall be filed in the executive department.

Oath of.

Solicitor.

Sec. 5. Be it further enacted by the authority aforesaid, That there shall be a solicitor of said city court appointed and confirmed, and with term of office similar to the judge of said court, whose duty it shall be to prosecute for all offenses cognizable before said court; he shall receive the same fees for each written accusation as are allowed for each indictment in the Superior Court, and whose fees for all other services rendered shall be the same as are allowed a solicitor-general of the Superior Court, but all such fees shall be paid into the county treasury by said solicitor as collected, and in lieu thereof he shall receive the sum of one hundred dollars per month, the same to be paid out of the county treasury.

Fees of in
Supreme
Court.

Sec. 6. Be it further enacted by the authority aforesaid, That the solicitor of said city court shall for his services in the Supreme Court be paid out of the treasury of the State in the same manner as the solicitor-general of the Superior Court is paid for like services rendered in the Supreme Court.

Clerk.

Sec. 7. Be it further enacted by the authority aforesaid, That the clerk and his deputies of the Superior Court of Dougherty county shall be *ex officio* clerk and deputies of said city court. Said clerk shall, before entering on the duties of his office, take and subscribe an oath to faithfully and impartially discharge the duties thereof, which oath shall be entered on the book of minutes of said city court; he shall also, before entering on the duties of his office, execute a bond with good security in the sum of one thousand dollars for the faithful discharge of the duties of his office.

Sec. 8. Be it further enacted by the authority aforesaid, That

the sheriff of Dougherty county shall be *ex officio* sheriff of the city court of Albany, and in his official connection with said court he shall be known as the sheriff of the city court of Albany. Before entering on the discharge of the duties of his office, said sheriff shall execute a bond with good security in the sum of two thousand dollars for the faithful discharge of the duties of his office. He shall have power to appoint a deputy or deputies with the consent of said judge.

Sec. 9. Be it further enacted by the authority aforesaid, That all the duties and liabilities attached to the office of clerk of the Superior Court and to the office of sheriff shall be attached to the office of clerk of the city court of Albany and to the office of sheriff of the city court of Albany, respectively, and that the judge of said city court of Albany is empowered to enforce the same authority over the said clerk and sheriff and their deputies as is exercised by the judge of the Superior Courts over the clerks of the Superior Courts and sheriffs of the counties of Georgia.

Sec. 10. Be it further enacted by the authority aforesaid, That the clerk and sheriff, and their deputies, of said city court, shall receive for their services the same fees as are allowed by law for like services in the Superior Court, and for services rendered when no compensation is provided by law, they shall receive such compensation as the judge of said city court shall in his sound discretion allow. They shall be amenable to the same processes and penalties as they are now amenable to as officers of the Superior Court, and they shall be entitled to the same remedies to enforce the collection of their fees and costs in said city court as they are now entitled to in the Superior Court.

Sec. 11. Be it further enacted by the authority aforesaid, That the judge of said city court shall have power to issue writs of *habeas corpus* and to hear and dispose of the same in the same way and with the same power as the judge of the Superior Court.

Sec. 12. Be it further enacted by the authority aforesaid, That the terms of said city court shall be monthly and quarterly—the monthly terms for the trial and disposition of criminal business, and the quarterly terms for the trial and disposition of either or both criminal and civil business. The times for holding said terms of said court shall be fixed by the city court judge, such terms to be as near equidistant as convenience will admit, notice of which shall be given by advertisement one time in the newspaper where the sheriff's sales for said county are published. The terms of said court shall be held at the court-house in the city of Albany, in said

county of Dougherty, for which, when necessary, juries shall be drawn as hereinafter directed, and shall last until the business is disposed of, unless sooner adjourned for good cause. The judge of said city court shall in his discretion hold his court at the same place at any other times than the regular terms for the transaction of criminal business which does not require a jury, as speedily as possible, consistent with the interests of the State and the accused, and may also hold adjourned terms of the regular monthly and quarterly terms of said city court, for which he may draw new juries, or require the attendance of the same, as in his sound legal discretion may seem best. Said city court judge may also, in his discretion, set cases for trial at convenient times, and the same may then be tried as of the term, whether court has been held from day to day until said time or not.

Pleadings. Sec. 13. Be it further enacted by the authority aforesaid, That suits in said city court shall in all respects be conformable to the mode of proceedings in the Superior Court, except as hereinafter provided, but the process to writs shall be annexed by the clerk of said city court, be tested in the name of the judge thereof, and be directed to and served by the sheriff of the city court of Albany, or his deputies thereof.

Sec. 14. Be it further enacted by the authority aforesaid, That in all matters pertaining to service, pleadings and practice, the laws governing the Superior Court, where not inconsistent with this Act, and unless otherwise specially provided by this Act, shall be applicable to said city court.

Judge and jury. Sec. 15. Be it further enacted by the authority aforesaid, That the judge of said city court shall have the power and authority to hear and determine all civil causes of which the said court has jurisdiction, and to give judgment and execution therein; *provided, always*, that either party in any cause shall be entitled to a trial by jury in said court upon entering a demand therefor, by himself or his attorney, in writing, on or before the call of the docket the first day of the term of said court at the term to which the cause is returnable, in all cases where such party is entitled to a trial by jury under the Constitution and laws of this State.

Judgments, lien of. Sec. 16. Be it further enacted by the authority aforesaid, That all judgments obtained in said court shall be a lien on all property of the defendant or defendants throughout the State, in the same manner as judgments of the Superior Courts are; but property exempt from levy and sale under the laws of this State shall be exempt from levy and sale under process from said court, and all ex-

ecutions issuing from said court shall be tested in the name of the judge and signed by the clerk and directed to the sheriff or his deputies of the said city court of Albany, and to all and singular the sheriffs or their deputies of the State of Georgia.

Sec. 17. Be it further enacted by the authority aforesaid, That said court shall have jurisdiction of all claim cases where personal property is levied on under execution or other process from said court, and such claims shall be tried in the same manner as claims in the Superior Courts. Claims to person-
alty.

Sec. 18. Be it further enacted by the authority aforesaid, That claims to real property levied on under execution or other process from said city court shall be returnable to the Superior Court of the county where such real property is situated, and shall there proceed as other claims in the Superior Courts. To realty..

Sec. 19. Be it further enacted by the authority aforesaid, That all laws upon subjects of attachments and garnishments as to any manner whatever in the Superior Courts of this State shall apply to said city court as if named with the Superior Court, so far as the nature of the city court will admit; attachments in said court or returnable to said court shall be directed to the sheriff or his deputies of the city court of Albany, and to all and singular the sheriff and constables of this State, and the judge of said city court may, or any justice of the peace or notary public may, issue attachments returnable to said city court under the same laws that govern the issuing of attachments returnable to the Superior Courts. Attach-
ments and
garnish-
ments.

Sec. 20. Be it further enacted by the authority aforesaid, That garnishment proceedings in said city court shall be conformable to the laws of the State on the subject in the Superior Courts. Garnish-
ments.

Sec. 21. Be it further enacted by the authority aforesaid, That *scire facias* to make parties in any cause in said city court shall be had as in the Superior Court, but *scire facias* shall run throughout the State and may be served by any sheriff or his deputy thereof. Scire
facias.

Sec. 22. Be it further enacted by the authority aforesaid, That the general laws of this State with regard to the commencement of suits in the Superior Courts, defenses, set-off, affidavits of illegality, arbitration, examinations of parties to suits, or witnesses by interrogatories or under subpoena, witnesses and their attendance, continuances or other matters of a judicial nature within the jurisdiction of said city court, shall be applicable to said city court. Proceed-
ings.

Sec. 23. Be it further enacted by the authority aforesaid, That the judge of said city court shall have power to cause testimony to be taken and used *de bene esse*, and for the purpose of perpet- Powers of
judge.

uating testimony within his jurisdiction in all cases according to the general laws of the State, and the judge and all other officers of said city court shall have power, respectively, to administer all oaths pertaining to their office, as the judge and other officers of the Superior Court may in like cases do; and said judge shall also have power to attest deeds and other papers, and administer affidavits in all cases anywhere in the State in which by existing laws such papers may be attested and affidavits administered by justices of the peace of this State, and the judge of the said city court shall have all the powers and authority throughout his jurisdiction of judges of the Superior Courts, and all laws relating to and governing judges of the Superior Courts shall apply to the judge of said city court so far as the same may be applicable, except as herein provided.

Court of
record.

Sec. 24. Be it further enacted by the authority aforesaid, That said city court of Albany shall be a court of record, and shall have a seal, and the minutes, records, orders, and other books and files that are required by law and rules to be kept for the Superior Court shall be kept in and for said city court and in the same manner, and all laws applicable to the duties of the clerk and sheriff in said Superior Court shall apply to them in said city court, except where they conflict with the provisions of this Act.

Judgments,
how en-
forced.

Sec. 25. Be it further enacted by the authority aforesaid, That all laws regulating and enforcing of judgments of the Superior Courts, whether civil or criminal, shall apply to said city court, and executions shall issue and be levied and sales be had thereunder under the same rules and laws regulating the same in the Superior Court.

Contempt.

Sec. 26. Be it further enacted by the authority aforesaid, That the judge of said city court shall have the same power to enforce his orders to preserve order, punish for contempt, and to enforce all his judgments as is vested by law in the judges of the Superior Courts of this State.

Juries.

Sec. 27. Be it further enacted by the authority aforesaid, That it shall be the duty of the clerk of said city court of Albany to prepare and file in his office a complete copy of the traverse jury list of the Superior court of Dougherty county as provided from time to time for such Superior Court. From said copy so made traverse juror in said city court shall be drawn in the following manner: The clerk of said city court of Albany shall write upon separate tickets the names of each traverse juror, and shall number the same and place the same in a box to be prepared for the purpose, from

which shall be drawn all traverse jurors as now required by law in the Superior Courts. All laws with reference to the drawing of, selecting and summoning traverse and tales traverse jurors in the Superior Courts shall apply to the city court. All exemption from jury duty now of force in the county of Dougherty shall apply and be of effect in said city court.

Sec. 28. Be it further enacted by the authority aforesaid, That all laws in reference to the qualifications, relations, empaneling, fining and challenging jurors now in force in this State, or hereafter enacted by the General Assembly, regulating the same in the Superior Courts shall apply to and be observed in said city court, except when inconsistent with the provisions of this Act. Qualifications, etc., of.

Sec. 29. Be it further enacted by the authority aforesaid, That from said panel of twenty-four traverse jurors drawn and summoned by the provisions of this Act, the judge of said city court shall cause to be made up two juries, which shall be known and distinguished as juries numbers one and two, and all cases and issues to be tried by jury, civil or criminal, at that term of said city court, shall be tried by one of these, or by a jury stricken from both, as hereinafter provided. In case from any cause said panel should be reduced below twenty-four, the judge of said court shall have power to fill it by causing talesmen to be summoned instanter. In criminal cases tried at a regular, special or adjourned term of said court, the defendant shall be entitled to seven peremptory challenges and the State five, and in all civil cases the plaintiff and defendant shall each be entitled to six peremptory challenges, and all laws and rules, both civil and criminal, regulating the selection of juries in the Superior Court, shall apply to said city court, except where they are inconsistent with the terms of this Act. Juries.

Sec. 30. Be it further enacted by the authority aforesaid, That the judge of said court is authorized to appoint at each term of said court not exceeding two bailiffs as officers of said court. Bailiffs.

Sec. 31. Be it further enacted by the authority aforesaid, That all criminal trials in said court shall be tried by the judge thereof without a jury and without indictment by a grand jury, except when the accused shall in writing demand one or both of them. A plea to the accusation shall be a waiver of both, and the accused shall not thereafter have the right to recall such waiver. When the accused demands indictment by a grand jury it shall be the duty of the judge of said city court, in the event of the inability of the defendant to furnish proper bail, which shall be required for his appearance to answer such indictment as may be found against Demand for indictment and jury.

him, conformable to the general law of bail in criminal cases, to commit said defendant to the common jail of said county to await the action of the grand jury in such case. In the event a true bill is found or special presentment made in such case and returned to the said city court of Albany, all subsequent proceedings shall be in conformity with the laws regulating the trials of misdemeanors in the Superior Courts. When indictments by a grand jury is waived, but a trial by jury is demanded, if at a special term of said court, the case shall stand continued to the next regular monthly or quarterly term thereof, and shall then stand for trial in its order as other jury cases. If upon the trial of any case in which the accused has not been indicted, it shall appear to the judge that the evidence makes the case a felony against the accused, he shall thereupon suspend the trial and commit or bail over the defendant to the next Superior Court as in preliminary examinations.

Practice in
criminal
cases.

Sec. 32. Be it further enacted by the authority aforesaid, That all defendants in criminal cases when the prosecution originates in said city court, or where such defendants are bound over to said city court by any justice of the peace or notary public or other judicial officer, shall be tried on written accusations setting forth plainly the offense charged, founded upon affidavit of the accuser and signed by the solicitor of said city court, and all the proceedings after accusation shall conform to the rules governing in the Superior Courts, except there shall be no jury trial unless demanded, as hereinbefore provided, by the accused. In all cases tried upon accusations the offense shall be charged with the same particularity both as matter of form and substance, as is required by the laws and rules of criminal pleading to be observed in bills of indictment in the Superior Court.

Sec. 33. Be it further enacted by the authority aforesaid, That the judge of the Superior Court may send down from the Superior Court of Dougherty county all presentments and bills of indictment for misdemeanors to said city court for trial, the order so transmitting such cases to be entered on the minutes of both of said courts.

Commit-
ments.

Sec. 34. Be it further enacted by the authority aforesaid, That it shall be the duty of all of the justices of the peace and notaries public of Dougherty county to bind over to said city court all persons charged with offenses committed within the limits of Dougherty county over which said city court has jurisdiction to answer for said offenses.

Sec. 35. Be it further enacted by the authority aforesaid, That

a writ of error shall be directed from said city court to the Supreme Court of this State upon a bill of exceptions filed under the same rules and regulations as govern and control the issue of writs of errors and filing of bills of exception in the Superior Courts of this State. Writs of error.

Sec. 36. Be it further enacted by the authority aforesaid, That in all cases in said city court the same powers and rights of parties as to waivers in pleading or procedure or other matters pertaining to the same shall be allowed and upheld by the laws and rules governing parties in said Superior Courts. Practi c.

Sec. 37. Be it further enacted by the authority aforesaid, That all cases, civil and criminal, now pending and undisposed of in the county court of Dougherty county shall be and are hereby transferred to said city court, and the same shall be placed upon the proper dockets in said city court, and shall be tried and disposed of as other cases in said city court. All final and other processes now in the hands of the sheriff, bailiff or other officers which are made returnable to the county court shall be by them returned to said city court instead of said county court. The judge and other officers of said city court shall have power and authority to issue and enforce in the name of said city court any and all processes in any case from the county court necessary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of the county court. All records, books and papers disposed of and of file in said county court shall be filed and deposited with the clerk of said city court; that all *fi. fas.* and final processes not satisfied now in the hands of the sheriff of said county court shall be levied and enforced by the sheriff of said city court, and returns thereof made in said city court. Transfers from county court of Dougherty county.

Sec. 38. Be it further enacted by the authority aforesaid, That the judge of said city court shall have power to grant a new trial in any case, civil or criminal, in his court, upon the same terms and conditions and under the same laws and regulations in every respect governing the granting of new trials in the Superior Courts. All rules of pleading, practice and procedure governing motions, rules *nisi* and other proceedings in new trials in the Superior Courts shall apply to and govern the same in said city court. When a criminal case is heard at a special session of said city court, and the defendant desires to move for a new trial, such motion must be made and passed upon by the judge of said city court within five days after the rendition of the judgment complained of, and not afterwards unless, for good cause, further time may by order be New trials.

granted, in the discretion of the judge of said court. In other respects such motion shall be governed by the ordinary rules aforesaid.

Fees of
jurors.

Sec. 39. Be it further enacted by the authority aforesaid, That all jurors in said city court for their services for every day of actual attendance shall be paid the same amount in the same manner and under the same rules and regulations as jurors in the Superior Court of Dougherty county.

Suits
against
joint
obligors.

Sec. 40. Be it further enacted by the authority aforesaid, That all suits against joint obligors, joint promisors, copartners, or joint trespassers, in which any one or more resides in the county of Dougherty, may be brought in said court within its jurisdiction as already stated under the same rules and regulations governing such cases in the Superior Courts *mutatis mutandis* as to copies, second originals, returns and other matters connected with the suit.

Practice.

Sec. 41. Be it further enacted by the authority aforesaid, That all rules of the Superior Court relating to continuances, motions, pleas and practice shall be applicable to said city court, and shall obtain therein.

Terms.

Sec. 42. Be it further enacted by the authority aforesaid, That the first term of said court to which a civil case is brought shall be the appearance or return term; the second shall be the trial or judgment term; and all the laws, rules and practice in said court with reference to the terms thereof, and to the continuance, pleadings and trial of causes therein, shall be the same as in the Superior Court, unless otherwise provided in this Act.

Disquali-
fications of
judge.

Sec. 43. Be it further enacted by the authority aforesaid, That whenever the judge of said city court is from any cause disqualified from presiding, and the judge of the Superior Court cannot from any cause preside in said court, as provided for in the Constitution, then upon consent of the parties, or upon their failure or refusal to agree, said cause shall be tried by a judge *pro hac vice* selected in the same manner as now provided for in the Superior Courts.

Absence
of judge.

Sec. 44. Be it further enacted by the authority aforesaid, That in case of the absence of the judge of said city court at any term thereof, the sheriff or clerk of said court may adjourn it to such time as the judge may in writing direct, or, if no direction be given, the court shall be adjourned to the next regular term.

Insolvent
costs.

Sec. 45. Be it further enacted by the authority aforesaid, That all fines and forfeitures arising from cases tried in said city court, shall be subject to the payment of the fees and costs of the solic-

tor, clerk and sheriff of said city court, the same to be distributed *pro rata* under the same rules and regulations governing the distribution of fines and forfeitures to the officers of the Superior Courts; *provided, however*, that in all cases transferred from the Superior Court of Dougherty county to the said city court, the solicitor-general of the Superior Court shall be entitled to such solicitor's costs as shall have accrued on such bills of indictments or special presentments up to the time of the transfer; *provided further*, that in all cases in which the justices of the peace or notary public and *ex officio* justice of the peace has bound over any offender to said court or to the Superior Court, and the case is afterwards transferred to said city court, such magistrate binding over shall be entitled to share as to his costs in the particular case with the other officers of said city court upon the same terms in any fine or forfeiture that may arise therefrom. In the event that the insolvent costs, bills of the clerk and sheriff are not fully paid when said distribution of fines and forfeitures is so made, then said bills shall be credited with the amounts received from fines and forfeitures, and the balance due such clerks and sheriffs shall be paid out of the treasury of Dougherty county; *provided*, that nothing in this section contained shall authorize the payment to the sheriff and clerk on insolvent costs any of the money paid into the treasury on account of the fees of the solicitor-general, or his part of the fines and forfeitures so paid in the treasury.

Sec. 46. Be it further enacted by the authority aforesaid, That Books, etc. the commissioners of roads and revenues of the county of Dougherty shall provide a suitable place in the court-house in said city of Albany for the holding of said court, and provide the necessary books for keeping the dockets, minutes and records of said city court.

Sec. 47. Be it further enacted by the authority aforesaid, That Repealing clause. all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

BAXLEY, CITY COURT OF ESTABLISHED.

No. 153.

An Act to establish the city court of Baxley, in Appling county; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof, and to define their powers and duties; to provide for pleading and practice and new trials therein, and writs of error therefrom, and for other purposes.

City court of Baxley. Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the city court of Baxley is hereby established, to be organized, located and held in the city of Baxley, in Appling county, Georgia, with jurisdiction, civil and criminal, over the entire county of Appling.

Jurisdiction, civil. Sec. 2. Be it further enacted by the authority aforesaid, That said city court of Baxley shall have jurisdiction to try and dispose of all cases of whatever nature, except those cases over which exclusive jurisdiction is vested in other courts by the Constitution of Georgia; that in all cases brought in said city court for the principal sum of one hundred dollars or less, the defendant shall not be liable to pay more than justice court costs.

Criminal. Sec. 3. Be it further enacted by the authority aforesaid, That said city court of Baxley shall have jurisdiction to try and dispose of all criminal cases for all offenses committed in the county of Appling, when the offender is not subject to loss of life or confinement in the penitentiary.

Judge. Sec. 4. Be it further enacted by the authority aforesaid, That there shall be a judge of said city court of Baxley, who shall be appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall be four years, and all vacancies in said office shall be filled by appointment of the Governor for the residue of the unexpired term, such appointment being subject to the approval of the Senate, which may be then in session, or, if the Senate be not in session at the time of such appointment, or shall fail to act, then subject to the approval of the Senate at its next session thereafter; *provided*, that the judge first appointed under this Act shall, if

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the Senate be not in session or shall fail to act, hold and fill the office subject to the approval of the Senate at the next session thereafter. The judge of the said city court of Baxley shall receive a salary of eight hundred dollars (\$800.00) per year, which shall not be increased or diminished during his term of office, and shall be paid monthly out of the treasury of the county of Appling.

Sec. 5. Be it further enacted by the authority aforesaid, That ^{Qualifications.} any person who shall be appointed judge of said city court must at the time of said appointment be at least twenty-four years of age; he must also have been a resident of Appling county at least four years immediately preceding his appointment, and of good moral character. Before entering upon the discharge of the duties of his office he shall take and subscribe the following oath: "I solemnly swear that I will administer ^{Oath.} justice without respect to persons, and do equal right to the poor and rich, and that I will faithfully and impartially discharge and perform all the duties which may be required of me as judge of the city court of Baxley, according to the best of my ability and understanding, according to the laws and Constitution of this State and of the United States, so help me God;" and said oath shall be forwarded to the Governor and filed in the Executive Department. Said judge shall have the right to practice law in all courts, except the city court of Baxley.

Sec. 6. Be it further enacted by the authority aforesaid, That ^{Solicitor.} there shall be a solicitor of said city court of Baxley, to be appointed by the Governor of this State, whose term of office shall be two years. The fees of said solicitor shall be as follows: For every case finally disposed of in said city court, founded on accusation, ten dollars (\$10.00); for every indictment or special presentment finally disposed of in the city court, five dollars (\$5.00); for every case for a violation of the gambling laws of the State, same fee as allowed solicitors general; for representing the State in each case carried to the Supreme Court from said city court, fifteen dollars (\$15.00). Said solicitor shall, for his services in the Supreme Court, be paid out of the treasury of the State by warrant drawn by the Governor, upon certificate of the clerk of the Supreme Court as to the performance of such services and the certificate of the clerk of the city court of the insolvency or acquittal of the defendant. For all services for which this Act does not provide, said solicitor shall receive the same fees now allowed by law

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Bond. for similar services in the superior court. Said solicitor, before entering upon the duties of his office, shall give bond with good security in the sum of one thousand dollars (\$1,000.00), conditioned for the faithful discharge of the duties of his office, and shall, in addition to the oath required of all civil officers, take and subscribe the following oath: "I do swear that I will faithfully and impartially, and without fear, favor or affection, discharge my duties as solicitor of the city court of Baxley, so help me God." Said bond shall be payable to the Governor, shall be approved by the judge of said city court, and shall, together with said oath, be entered on the minutes of said court by the clerk, and may be sued on by any person interested. If for any reason said solicitor shall fail or be disqualified to act in any case the court shall have power to appoint a solicitor *pro tem*.

Oath. Sec. 7. Be it further enacted by the authority aforesaid, That there shall be a clerk of said court, to be appointed by the judge thereof, who shall hold his office for a term of two years. Before entering upon the discharge of his duties he shall take a similar oath and give a similar bond to that required by this Act for the solicitor of said court, and the same shall be entered upon the minutes of said court. The fees of the clerk of said city court shall be the same as are now or may hereafter be allowed by law to the clerk of the superior court. The clerk of the superior court shall be eligible to hold this office.

Clerk. Sec. 8. Be it further enacted by the authority aforesaid, That there shall be a sheriff of the city court of Baxley, appointed by the judge thereof, and that the sheriff of Appling county may be eligible for said appointment, and in his official connection with said court shall be known as the sheriff of the city court of Baxley. Before entering upon the discharge of the duties of his office he shall execute a bond with good security in the sum of five thousand (\$5,000.00) dollars for the faithful discharge of the duties of his office. He shall have power, with the consent of the judge of said court, to appoint a deputy, who shall, before entering upon the discharge of the duties of his office, give a bond in the sum of two thousand (\$2,000.00) dollars, conditioned as the bonds of other deputy sheriffs. Said sheriff shall receive the same fees as are now or may be hereafter allowed by law to the sheriff of Appling county, and for his attendance at the regular terms of said city court he shall receive the same pay, to be paid him in the manner as now or

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may hereafter be allowed him for similar services in the superior court of Appling county.

Sec. 9. Be it further enacted by the authority aforesaid, That ^{Judge, authority of.} the judge of the city court of Baxley is empowered to exercise the same authority over the clerk and sheriff and deputy sheriff of said court as may be exercised by the judges of the superior courts over the clerks, sheriffs and deputies in the counties in Georgia.

Sec. 10. Be it further enacted by the authority aforesaid, That ^{Powers of judge and officers.} the judge of the city court of Baxley shall have authority to issue criminal warrants, warrants to dispossess tenants holding over and intruders, to issue distress warrants, to issue attachments and garnishments, to attest deeds and other papers and take affidavits anywhere in this State; and said judge, solicitor, clerk and sheriff and his deputy shall have power to administer all oaths and do all other official acts pertaining to their offices, respectively, as the judge and other officers of the superior court may, in like cases, do. Said judge shall also have power to issue writs of *habeas corpus* and hear and determine the same as judges of the superior courts may do; to take testimony to be taken to be used *de bene esse* and for the purpose of perpetuating testimony within his jurisdiction, and generally to do all acts which the judges of the county courts of this State are authorized to do, unless otherwise provided in this Act. And said judge of the city court of Baxley shall have all the powers and authority throughout his jurisdiction of judges of the superior courts, except where, by law, exclusive powers and authority is vested in the judges of the superior courts, and all laws relating to and governing judges of the superior courts shall apply to the judge of the city court, so far as the same may be applicable, except as herein provided.

Sec. 11. Be it further enacted by the authority aforesaid, ^{Terms.} That the regular terms of said city court of Baxley shall be held on the first Monday in April, June, August, October, December and February of each year. The judge shall have power to hold said court in session, from day to day, for a period of not longer than four weeks from the beginning of each term.

Sec. 12. Be it further enacted by the authority aforesaid, ^{Practice.} That suits in said city court shall in all respects be conformable to the mode of proceedings in the superior courts, except as hereinafter provided, but the process to writs shall be annexed by the clerk of said city court, shall be attested in the name of

Baxley, City Court of Established.

the judge thereof, and be directed to and served by the sheriff of the city court of Baxley or his deputy thereof, and all executions issuing from said court shall be attested in the name of the judge and signed by the clerk, and directed to the sheriff or his deputy of the city court of Baxley, and to all and singular the sheriffs or their deputies of the State of Georgia.

General
law appli-
cable.

Sec. 13. Be it further enacted by the authority aforesaid, That in all matters pertaining to service and pleading and practice, the laws governing the superior court, when not inconsistent with this Act and unless otherwise specially provided by this Act, shall be applicable to said city court.

Judge and
jury.

Sec. 14. Be it further enacted by the authority aforesaid, That the judge of said city court shall have power and authority to hear and determine all civil cases of which said court has jurisdiction, and to give judgment therein; *provided*, that either party in any civil case pending in said court shall be entitled to a trial by jury in said court upon entering a demand therefor by himself or his attorney, in writing, on or before the call of the appearance docket, at the appearance term of said case, in all cases in which said party may be entitled to a trial by jury under the Constitution and laws of this State.

Claims.

Sec. 15. Be it further enacted by the authority aforesaid, That said court shall have jurisdiction of all claim cases where personal property is levied under process from said court, which claims shall be tried in the same manner as claims in the superior court, except that the pleadings in the case shall make the issue, and it shall be unnecessary for the parties to tender and join issue in claim cases, as is practiced in other courts.

Attach-
ments and
garnish-
ments.

Sec. 16. Be it further enacted by the authority aforesaid, That all laws upon the subject of attachments and garnishments, in the superior courts of this State, shall apply to said city court so far as the nature of the city court will admit. The judge of said city court or any other officer authorized by law to issue attachments may issue attachments returnable to said city court, under the same laws that govern the issuing of attachments in the superior courts, and all attachments returnable to the city court of Baxley shall be directed to all and singular the sheriffs and constables of this State, and may be signed by the sheriff of the city court or his deputy, or any sheriff or constable or other officer authorized by law to levy attachments returnable to other courts.

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Sec. 17. Be it further enacted by the authority aforesaid, That garnishment proceedings in said city court shall be conformable to the laws of the State on the subject in the superior court.

Sec. 18. Be it further enacted by the authority aforesaid, ^{Parties, how made.} That all proceedings to make parties in any cause in the city court shall conform to the laws on that subject in the superior courts.

Sec. 19. Be it further enacted by the authority aforesaid, ^{Practice.} That the general laws of this State with regard to the commencement of suits in the superior courts, defenses, sets-off, affidavits of illegality, arbitration, examination of witnesses by interrogatories or under subpœna, witnesses and their attendance, continuance, and all matters pertaining to pleading and practice, and all matters of a judicial nature within the jurisdiction of said city court, shall be applicable to said city court.

Sec. 20. Be it further enacted by the authority aforesaid, ^{Court of record.} That the city court of Baxley shall be a court of record and shall have a seal, and the minutes, records, dockets and other books and files that are required by law to be kept for the superior court, shall be kept in and for said city court and in the same manner, and all laws applicable to the duties of the clerk and sheriff in the superior court, except where they conflict with the provisions of this Act.

Sec. 21. Be it enacted by the authority aforesaid, ^{Judgments, how enforced.} That all laws regulating the enforcement of judgments of the superior courts, whether civil or criminal, shall apply to said city court, and executions shall issue and be levied and sales be had thereunder under the same rules and laws regulating the same in the superior courts.

Sec. 22. Be it further enacted by the authority aforesaid, ^{Contempt.} That the judge of the city court of Baxley shall have the same power to enforce his orders, to preserve order, punish contempt and to enforce all his judgments as is vested by law in the judges of the superior courts of this State.

Sec. 23. Be it further enacted by the authority aforesaid, ^{Jurors} That traverse jurors in the city court of Baxley shall be procured in the following manner: The clerk of said court shall provide a city court jury box, similar to the traverse jury box at the superior court, and shall write upon separate pieces of paper the names of each person upon the grand jury list of the superior court, and of each person on the traverse jury lists of the superior

court, and shall place said names of all persons on said superior court lists in the city court jury box, from which shall be drawn traverse jurors to serve in the city court. All laws with reference to the drawing and summoning and empanneling traverse jurors in the superior courts shall apply to the city court of Baxley, and said city court judge shall have the same power to summon tales jurors for the city court that the judges of the superior courts have for the superior courts. Jurors in said city court shall receive the same pay and be paid in the same manner and under the same rules and regulations as jurors in the superior courts, or as may hereafter be paid.

Juries. Sec. 24. Be it further enacted by the authority aforesaid, That all laws with reference to the qualifications, empanneling, challenging and fining jurors, now of force or hereafter to be enacted regulating the same in the superior courts, shall apply to and be observed in said city court, except when inconsistent with the provisions of this Act. In all cases where issues are to be tried by jury the parties shall be entitled to a full panel of twenty-four from which to strike. In civil cases each party shall be entitled to six peremptory challenges, and in criminal cases the defendant shall be entitled to seven peremptory challenges and the State five, and all laws and rules governing the selection of juries in the superior courts shall apply to the city court of Baxley, unless inconsistent with this Act.

Juries. Sec. 25. Be it further enacted by the authority aforesaid, That all civil cases pending in said court in which a jury is demanded by either party as provided in section 14 of this Act, and all criminal cases in which the defendant shall demand a jury as provided in section 27 of this Act, a jury shall be had in term time under the provisions of this Act by a jury of twelve men as in the superior courts. All civil cases in which no jury is demanded by either party shall be tried by the court in term time, and all criminal cases in which no jury is demanded by the defendant shall be tried by the court either in term time or at any time between the regular terms of said court, and said court shall be open for the trial of such criminal cases at all times.

Accusation Sec. 26. Be it further enacted by the authority aforesaid, That defendants in criminal cases in said city court of Baxley may be tried on written accusation setting forth plainly the offense charged, which accusation shall be signed by the prosecutor and by the prosecuting officer of said city court.

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Sec. 27. Be it further enacted by the authority aforesaid, That ^{Demand for jury.} when any criminal case in the city court, founded either upon indictment or presentment by a grand jury, or upon an accusation in said city court, is called for trial and before the arraignment of the defendant, the judge shall inquire of the defendant whether he demands a trial by jury, and the response of the defendant shall be entered on said indictment or accusation, and signed by the prosecuting officer in said court. If the defendant demands a trial by jury and the said court it not sitting at a regular term, the judge shall admit the defendant to bail to appear at the next regular term, or on the defendant's failure to give bond shall commit him to jail to await his trial at a regular term. If the defendant waives trial by jury then the judge of said court shall proceed to hear and determine such criminal cause without a jury; *provided, always*, that a reasonable time may be granted the State or defendant to procure witnesses.

Sec. 28. Be it further enacted by the authority aforesaid, That ^{M'sde meanors transferred.} the judge of the superior court of Appling county shall transfer any or all presentments or bills of indictment for misdemeanors to said city court for trial, the order so transmitting the same to be entered on the minutes of both courts.

Sec. 29. Be it further enacted by the authority aforesaid, That ^{Bailiffs.} the judge of said court shall have the same power to appoint bailiffs at each term of the court that judges of the superior court have.

Sec. 30. Be it further enacted by the authority aforesaid, That ^{Writ of error.} a writ of error direct from said city court of Baxley to the supreme court of this State shall lie, upon a bill of exceptions filed under the same rules and regulations as govern and control the filing of bills of exceptions, and the issuing of writs of error in the superior court of this State.

Sec. 31. Be it further enacted by the authority aforesaid, That ^{Cases in county court transferred.} all causes, civil and criminal, now pending and undisposed of in the county court of Appling county, shall be, and the same are, hereby transferred to said city court of Baxley, and the same shall be tried and disposed of as other cases in the city court of Baxley. All dockets, records, books and papers of the county court of Appling county shall be turned over to be used and disposed of by the city court of Baxley. All final and other processes heretofore issued returnable to the county court of Appling county shall be returned to the city court of Baxley. The judge and other officers of the city court of Baxley shall have the power to issue and enforce in the name of the city court of Baxley any and all processes in any case from the county court of Appling county, neces-

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sary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of the county court of Appling county. All *fi. fas.* and final processes not satisfied, issued from the county court of Appling county, may be levied and enforced by the officers of and in the same manner as similar papers from the city court of Baxley.

New trials. Sec. 32. Be it further enacted by the authority aforesaid, That the judge of said city court of Baxley shall have power to grant new trials in all cases, civil and criminal, in said court upon the same terms and conditions and under the same laws and regulations in every respect governing the granting of new trials in the superior courts. All rules of pleading, practice and procedure governing motions for new trials in the superior courts shall apply to and govern the same in said city court.

Sec. 33. Be it further enacted by the authority aforesaid, That the first term of said court to which a case is brought shall be the appearance or return term, and the second term shall be the trial or judgment term, and all the laws, rules and practice in the superior court with reference to the terms thereof shall apply in the city court of Baxley, unless in conflict with this Act, or otherwise provided herein.

Disquali-
fications
of judge. Sec. 34. Be it further enacted by the authority aforesaid, That whenever the judge of said city court is from any cause disqualified from presiding in any case, and the judge of the superior court on account of absence or other cause shall fail to preside in said court, as provided in the Constitution of this State, then upon consent of the parties or upon their failure or refusal to agree, said cause may be tried by a judge *pro hac vice*, selected in the same manner as now provided for in the superior courts.

Convicts,
hire of. Sec. 35. Be it further enacted by the authority aforesaid, That the judge of said city court shall have power and authority to hire the convicts of said city court under and subject to the laws and regulations governing the hiring out of misdemeanor convicts of this State, and the money arising from such hire shall constitute a part of the insolvent fund of said court, and shall be paid out by said judge, together with fines and forfeitures as provided in section thirty-six of this Act.

Insolvent
costs. Sec. 36. Be it further enacted by the authority aforesaid, That at or within ten days after each regular term of said city court, and oftener if he shall deem proper to do so, the judge of said court shall distribute the fines and forfeitures and convict hire arising from cases tried in said court as follows: Fines, forfeitures and convict hire arising in cases which originate in said city court shall be

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prorated between the solicitor and clerk and sheriff of the city court and justices of the peace and constables on their bills for insolvent costs in cases originating in said city court. Fines, forfeitures and convict hire arising from cases transferred from the superior court to the city court shall be prorated between the solicitor, clerk and sheriff of the city court, the solicitor-general and clerk and sheriff of the superior court and justices of the peace and constables on their bills for insolvent costs in transferred cases. If at any time there shall be a surplus of the insolvent fund arising from cases originating in the city court after paying all insolvent costs on cases originating in the city court, the same shall be applied to the insolvent costs in transferred cases; and if at any time there shall be a surplus of the insolvent fund arising in transferred cases after paying all insolvent costs in transferred cases the same shall be applied to insolvent costs in cases originating in the city court. The judge of the city court shall before paying insolvent bills approve the same and order them entered on the minutes of said court, and such bills for insolvent costs shall be a lien on said insolvent fund superior to all other liens.

Sec. 37. Be it further enacted by the authority aforesaid, That the ordinary of Appling county shall provide the necessary books for keeping the dockets, minutes and records of said city court and all other books and stationery necessary to run said court, and that said court may be held in the court-house of Appling county, in said city of Baxley. Records, stationery etc.

Sec. 38. Be it further enacted by the authority aforesaid, That in misdemeanor cases transferred from the superior court to the city court of Baxley, the cost of the solicitor-general of the circuit shall be five dollars, to be collected and paid as other costs in the city court. Fees of Solicitor-general.

Sec. 39. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 1, 1897.

 Camilla, City Court of Established.

CAMILLA, CITY COURT OF ESTABLISHED.

No. 222.

An Act to establish the city court of Camilla, in and for the county of Mitchell, to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof, to define their powers and duties, and to abolish the present city court of Mitchell county, and for other purposes.

City court
of Camilla.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That the city court of Camilla be, and the same is, hereby created and established in the town of Camilla, in the county of Mitchell, which town is hereby recognized and declared to be a city within the meaning of those sections of the Constitution which relate to city courts, said court to have civil and criminal jurisdiction over the whole county of Mitchell.

Jurisdiction,
criminal.

Sec. 2. Be it further enacted, That said city court of Camilla shall have jurisdiction to try and dispose of all criminal cases where the offender is not subject to loss of life or confinement in the penitentiary, committed in the county of Mitchell.

Civil.

Sec. 3. Be it further enacted, That said city court of Camilla shall have jurisdiction to try and dispose of all civil cases of whatever nature, except in those cases over which exclusive jurisdiction is vested in the superior court by the Constitution and laws of this State; but in all suits brought in said city court for sums of one hundred dollars or less the plaintiff shall only recover justice court costs and judgment may be had at first term in suits for sums one hundred dollars or less; *provided*, that said city court shall not have power to correct errors in inferior courts by writ of *certiorari*, and said city court shall not have power to issue writs of *mandamus*, prohibition, *quo warranto*, or to foreclose mortgages on real estate.

Judge.

Sec. 4. Be it further enacted, That the judge of said city court of Camilla shall be appointed by the Governor, by and with the advice and consent of the Senate. His term of office shall be for four years, and all vacancies in the office of judge shall be filled by appointment by the Governor for the residue of the unexpired term, such appointment being subject to the approval of the Senate which may be then in session, or if the Senate be not then in session at the time of such appointment, then subject to the approval of the Senate at its next session thereafter. Said judge of the city

Camilla, City Court of Established.

court of Camilla shall receive a salary of forty-five dollars per month and shall be paid monthly out of the treasury of Mitchell county by the treasurer of said county.

Sec. 5. Be it further enacted, That any person who shall be ^{Qualifications.} appointed judge of said city court of Camilla must, at the time of his appointment, be at least twenty-seven years old, and he must have been a resident of the county of Mitchell at least one year immediately preceding his appointment; he must also have been a practicing attorney at least five years before his appointment, and he shall, before entering upon the discharge of his duties as such judge, take and subscribe the following oath: "I solemnly swear ^{Oath.} that I will faithfully and impartially administer justice, without respect to person, and do equal rights to the poor and the rich and so discharge and perform all the duties which may be required of me as judge of the city court of Camilla according to the best of my ability and understanding, agreeable to the Constitution and laws of this State, and the Constitution of the United States, so help me God;" and said oath shall, immediately thereafter, be forwarded to the Governor and filed in the executive department. Said judge shall have the right to practice law in any court of this State except his own. He shall have authority to issue criminal warrants, warrants to dispossess tenants holding over, and intruders, and to issue distress warrants, and generally to do all acts which the judges of the city courts of this State are authorized to do, unless otherwise provided in this Act.

Sec. 6. Be it further enacted, That the solicitor-general of the ^{Solicitor.} Albany circuit shall be *ex officio* solicitor of said city court, and in his absence from said court he shall arrange with some competent attorney to act as solicitor *pro tem.*, and should he fail to appoint a solicitor *pro tem.*, the judge of said city court shall have the power to appoint such solicitor *pro tem.*, who shall receive the same fees as are now allowed by law to solicitors-general of this State, and the fees of the solicitor of said court shall be the same as are now allowed by law to the solicitors-general of this State for similar services in the superior courts of this State; *provided*, that the person acting as solicitor in said court shall have the same fees for drawing the accusation hereinafter provided for as are now allowed by law to solicitors-general in the superior court for drawing bills of indictment.

Sec. 7. Be it further enacted, That the clerk of the superior ^{Clerk.} court of Mitchell county shall be the clerk of the said city court of Camilla, and he shall discharge all the duties of said office.

Sheriff.

Sec. 8. Be it further enacted, That the sheriff of Mitchell county shall be *ex officio* sheriff of said city court of Camilla, but shall be subject to removal from the office of the sheriff of the city court of Camilla by the judge thereof for sufficient cause shown, and, in that event the judge of said city court shall have authority to appoint a sheriff for said city court. Said sheriff shall be required to file an oath for the faithful performance of his duties as sheriff, said oath to be entered upon the minutes of said court. Before entering upon the discharge of his duties said sheriff of Mitchell county, or sheriff of said city court, appointed as above provided, shall execute a bond with good security, to be approved by said judge, in the sum of one thousand dollars for the faithful discharge of the duties of his office. Upon failure to give such bond he shall not act as sheriff of said city court, but the judge of said court shall appoint another sheriff as above provided. The judge of said city court shall have the power to appoint a deputy sheriff for said city court, if, in the judgment of said judge, it becomes necessary for the transaction of the business of said city court. Said deputy shall be required to subscribe the same oath as the sheriff and give bond in the amount to be fixed by said judge. All of the duties attaching to the office of clerk of the superior court and to the office of sheriff of Mitchell county shall attach to the office of the clerk of the city court and to the office of sheriff of said city court respectively, and the judge of said city court is empowered to exercise the same authority over the said clerk and sheriff and his deputy as is exercised by the judge of the superior court over the clerk and sheriff of the superior courts of this State.

Fees of officers.

Sec. 9. Be it further enacted, That said clerk and sheriff shall receive the same fees for similar service as are now allowed or may hereafter be allowed by law to said officers in the superior courts, except in criminal cases tried on accusation the clerk shall receive three dollars only, exclusive of fees for issuing subpoenas; and for their attendance at the regular terms of said city court said clerk and sheriff shall receive a per diem of three dollars each, and the sheriff shall receive a fee of five dollars only for summoning each jury for said court.

Habeas corpus.

Sec. 10. Be it further enacted, That the judge of said city court shall have the power to issue writs of *habeas corpus*, to hear and dispose of the same in the same way and with the same power as the judge of the superior courts.

Terms.

Sec. 11. Be it further enacted, That the terms of said city court of Camilla shall be held quarterly, beginning on the second

Camilla, City Court of Established.

Mondays in January, April, July and October. The judge of said city court shall have the power to hold said city court in session from day to day for a period not longer than one week from the beginning of each term, or he may adjourn the same to any day designated by him. Said judge shall also have power to call special terms of said court at any time for the disposal of criminal business, by an order for that purpose entered upon the minutes of said court at least ten days before said special terms convene, and he may order the jurors drawn at the last preceding regular term of said court to serve at said special term, or he may draw a special jury for said special term; *provided*, said court shall be open at any time for criminal business when jury trial is waived.

Sec. 12. Be it further enacted, That suits in said city court shall, Practice. in all respects, be conformable to the mode of procedure in the superior courts except as herein provided, but the process and writs shall be annexed by the clerk of said court and attested in the name of the judge thereof, and be directed to and served by the sheriff of the city court of Camilla or his deputies, or in case of defendants living in counties of this State other than said county of Mitchell, the sheriff or his deputy of the county of such non-resident defendant.

Sec. 13. Be it further enacted, That in all matters pertaining Practice. to service, pleadings and practice, the laws governing the superior courts, when not inconsistent with this Act, shall be applicable to said city court.

Sec. 14. Be it further enacted, That the judge of said city court shall have power and authority to hear and determine all civil cases Judge. authority of. of which said court has jurisdiction, and to give judgment thereon; *provided*, that any party in any case shall be entitled to a trial by jury upon entering a demand therefor in writing, by himself or his attorney, on or before the call of the docket of the term of said court to which such case is made returnable, in all cases where such party is entitled to a trial by jury under the Constitution and laws of this State.

Sec. 15. Be it further enacted, That all judgments obtained in judgments, lien of. said court shall be a lien upon all property belonging to the defendant or defendants throughout the State in the same manner as judgments of the superior courts are, and all executions issued from said city court shall be attested in the name of the judge and signed by the clerk and directed to the sheriff or his deputies of the city court of Camilla and to all and singular the sheriffs and deputies of this State.

Camilla, City Court of Established.

Claims to
person-
alty.

Sec. 16. Be it further enacted, That said city court shall have jurisdiction of all claim cases where personal property is levied on under execution or other process from said city court, and such claims shall be tried in the same manner as claims are tried in the superior courts of this State.

To realty.

Sec. 17. Be it further enacted, That claims to real property levied on under execution or other process from said city court shall be returned to the superior court of the county where such real property is situated, and there proceed as other claims in such superior court.

Attach-
ments and
garnish-
ments.

Sec. 18. Be it further enacted, That all laws upon the subject of attachments and garnishments, second originals as to any matter whatever in the superior courts of this State, shall apply to said city court so far as the nature of said city court shall admit. Attachments in said city court shall be directed to the sheriff or his deputies of said city court of Camilla, and to all and singular the sheriffs and constables of this State, and the judge of said city court or any justice of the peace may issue attachments returnable to said city court under the same law that governs the issuance of attachments returnable to the superior courts of this State.

General
law appli-
cable.

Sec. 19. Be it further enacted, That the general laws of this State in regard to the commencement of suits in the superior courts, defenses, set-offs, affidavits of illegality, arbitration, examination of parties to suits or witnesses by interrogatories or under subpoena, witnesses and their attendance, continuance or other matters of judicial nature within the jurisdiction of said city court, shall be applicable to said city court.

Powers of
judge and
officers.

Sec. 20. Be it further enacted, That the judge of said city court shall have power to cause testimony to be taken and used *de bene esse* and for the purpose of perpetuating testimony within his jurisdiction in all cases according to the general laws of this State, and the judge and all other officers of said city court shall have power, respectively, to administer all oaths pertaining to their offices as the judge and other officers of the superior court may in like cases do; and said judge shall also have power to attest deeds and other papers and administer oaths in all cases anywhere in this State, in which by existing laws such papers may be attested and oaths administered by judges of the superior courts. And the judge of said city court shall have power and authority throughout his jurisdiction of the judges of the superior courts, except where by law exclusive power and authority is vested in the judges of the superior courts, and all laws relating to and governing

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judges of the superior courts shall apply to the judge of the said city court, so far as the same may be applicable.

Sec. 21. Be it further enacted, That said city court of Camilla shall be a court of record, and shall have a seal, and the minutes, records, orders and other books and files that are required by law, and rules to be kept for the superior court shall be kept in and for said city court in the same manner, and all laws applicable to the duties of the clerk and sheriff in said superior court shall apply to them in said city court, except where they conflict with the provisions of this Act. Court of record.

Sec. 22. Be it further enacted, That all laws regulating the enforcement of indictments of the superior court, whether civil or criminal, shall apply to said city court, and executions shall issue and be levied and sales had thereunder under the same rules and laws regulating the same in the superior court.

Sec. 23. Be it further enacted, That the judge of said city court shall have the same power to enforce his orders, to preserve order, punish for contempt and to enforce all of his judgments as is vested by law in the judges of the superior courts of this State. Contempt.

Sec. 24. Be it further enacted, That the clerk of said court shall prepare and file in his office a complete list of those persons liable to serve as traverse jurors in the superior court of Mitchell county as provided from time to time for such superior court. From said list so made, traverse jurors for said city court shall be drawn in the following manner: The clerk of said city court shall write upon separate tickets the name of each traverse juror and place the same in a box for that purpose, and the judge of said city court, together with the clerk and sheriff, at the close of each term, or at time thereafter, shall draw eighteen jurors from said box, who shall serve as jurors in said city court at its next regular term; that from said panel of eighteen jurors so drawn and summoned a jury of twelve shall be selected as follows: In all civil cases the plaintiff and defendant shall be entitled to three peremptory challenges each, and in all criminal cases the State and the defendant shall be entitled to three peremptory challenges each. Jury lists.

Sec. 25. Be it further enacted, That all laws in reference to drawing, summoning and selecting traverse jurors and tales jurors in the superior courts of this State shall apply to said city court, except when inconsistent with this Act. Tales jurors.

Sec. 26. Be it further enacted, That the judge of said city court is authorized to appoint at each term of said court not exceeding two bailiffs as officers of said court. Bailiffs.

Camilla, City Court of Established.

Accusa-
tions.

Sec. 27. Be it further enacted, That the defendants in criminal cases in said city court shall be tried on written accusation setting forth plainly the offense charged, founded on affidavit made by the prosecutor. Said accusation shall be signed by the prosecutor and prosecuting officer of said court. Upon such affidavit and accusation being made and filed in the clerk's office of said court, the defendant shall be asked by the judge whether he waives trial by jury. If he answers yes, the judge shall proceed to try and determine said case, but if defendant shall answer no, or stand mute, then the judge shall commit him for trial at the next regular term, or special term, in all cases allowing bail to the defendant, to be fixed by said judge. But the defendant shall be allowed to demand indictment by the grand jury as a condition precedent to trial.

Transfers
from
superior
courts.

Sec. 28. Be it further enacted, That the judge of the superior court may send down and transfer from the superior court of Mitchell county all presentments and bills of indictment for misdemeanors to said city court for trial, the order so transferring such cases to be entered upon the minutes of both courts.

Committ-
ments.

Sec. 29. Be it further enacted, That it shall be the duty of all the justices of the peace and notaries public of Mitchell county to bind over to said city court all persons charged with offenses committed within said county, over which said city court has jurisdiction, to answer for said offenses.

Writs of
error.

Sec. 30. Be it further enacted, That a writ of error shall be direct from said city court to the supreme court of this State upon a bill of exceptions filed under the same rules and regulations as govern and control the issuing of writs of error and filing of bills of exceptions in the superior courts of this State.

Transfers
from city
court of
Mitchell
county.

Sec. 31. Be it further enacted, That all cases now pending in the present city court of Mitchell county, civil or criminal, shall be and are hereby transferred to the city court of Camilla, created under this Act, and the same shall be tried and disposed of as other cases in said city court of Camilla, and all final and other processes now in the hands of the sheriff, bailiff or other officer, and which are returnable to the city court of Mitchell county, shall be and are hereby made returnable to the city court of Camilla. The judge and other officers of the city court of Camilla shall have power and authority to issue and enforce in the name of said city court of Camilla, any and all processes in any case, from the city court of Mitchell county, necessary to the final disposition of the same, which from any cause has not been issued and enforced by the officers of the city court of Mitchell county. All records,

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books and papers disposed of and of file in said city court of Mitchell county, shall be filed and deposited with the clerk of the city court of Camilla.

Sec. 32. Be it further enacted, That the judge of said city court of Camilla shall have power to grant new trials in any case, civil or criminal, in said court, upon the same terms and conditions, and under the same laws and regulations in every respect governing the granting of new trials in the superior courts. All rules of pleading and practice and procedure governing motions, rules nisi and other proceedings in new trials in the superior courts, shall apply to and govern the same in said city court. New trials.

Sec. 33. Be it further enacted, That all jurors in said city court of Camilla shall receive for their services for every day in actual attendance, the same pay as is allowed jurors in the superior court of Mitchell county, in the same manner and under the same rules. Fees of jurors

Sec. 34. Be it further enacted, That the solicitor-general of said court shall, for his services in the supreme court, be paid out of the treasury of the State, by warrant drawn by the Governor, upon certificate of the clerk of the supreme court as to the performance of such services, and the certificate of the clerk of said city court as to the insolvency or acquittal of defendant. Fees of solicitor-general.

Sec. 35. Be it further enacted, That when the judge of said city court is disqualified from presiding the judge of the superior court may preside in his stead, and if the judge of the superior court cannot from any cause preside, then upon consent of the parties, or upon their failure or refusal to agree, said case shall be tried by a judge *pro hac vice*, selected in the same manner as now provided for in the superior court, or any judge of any city court in this State may preside in said city court of Camilla in any and all cases, whether said judge of said city court of Camilla is disqualified or not. Disqualifications.

Sec. 36. Be it further enacted, That the judge of said city court of Camilla shall distribute the fines and forfeitures arising in said court under the general law governing the same in the superior court. Insolvent costs.

Sec. 37. Be it further enacted, That the present city court of Mitchell county be, and the same is, hereby abolished, and all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. City court of Mitchell county abolished.

Approved December 15, 1897.

CARROLLTON, CITY COURT OF ESTABLISHED.

No. 274.

An Act to establish a city court in the city of Carrollton, in the county of Carroll; to define its jurisdiction; to provide officers therefor, and to prescribe their duties and powers, and for other purposes pertaining thereto.

City court
of Carroll-
ton. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the city court of Carrollton be, and the same is, hereby established, to be located and held in the city of Carrollton and county of Carroll, with jurisdiction over the entire county of Carroll, in both civil and criminal cases, as hereinafter provided.

Juris-
diction.
Civil. Sec. 2. Be it further enacted, That said city court of Carrollton shall have jurisdiction to try and dispose of all civil cases of whatsoever nature in said county, except those cases over which exclusive jurisdiction is vested in other courts by the Constitution and laws of this State, and except where the amount sued for is less than one hundred dollars.

Criminal. Sec. 3. Be it further enacted, That said city court shall have jurisdiction to try and dispose of all criminal cases for offenses committed in said county where the offense is below the grade of felony.

Judge. Sec. 4. Be it further enacted, That there shall be a judge of said city court, to be elected by the people at an election held for that purpose, to be called by the ordinary of said county, giving notice of said election in at least two newspapers published in said county for thirty days prior to the date of said election. All persons qualified to vote for members of the General Assembly shall be qualified to vote in said election, to be held in the same manner as elections for members of the General Assembly, the returns to be made to the ordinary, and he shall consolidate the votes and declare the result. The term of office of said judge shall be for four years, but the judge elected at the special election herein provided for shall hold his office until the October election for members of the General Assembly in 1900, at which time his successor shall be elected, and every four years thereafter. The judge of said city court shall receive a salary of one thousand dollars per annum, to be paid monthly out of the treasury of said county. All vacancies for any unexpired term shall be filled by a special election to

Carrollton, City Court of Established.

be held for that purpose to be called by the ordinary of said county, to be held as other county elections.

Sec. 5. Be it further enacted, That no one shall be elected judge of said city court unless he has attained the age of thirty years, and has been a citizen of said county three years, and has practiced law for seven years next preceding his election; and before entering upon the discharge of the duties of his office he shall take and subscribe the following oath: "I do solemnly swear that I will administer justice without respect of persons, and do equal justice to the rich and poor, and that I will faithfully and impartially discharge and perform all the duties which may be required of me as judge of the city court of Carrollton to the best of my ability and understanding, according to the laws and Constitution of this State and of the United States, so help me God;" and said oath shall be forwarded to the Governor and filed in the executive department. Said judge shall not practice law in any of the courts of said county during his term of office, except in cases where he was of counsel at the time of his election.

Qualifications.

Oath.

Sec. 6. Be it further enacted, That there shall be a solicitor of said city court, to be elected by the people at the same time and in the same manner as herein provided for the election of the judge of said court. His term of office shall be four years, but the first solicitor elected at the special election herein provided for shall hold office until the regular election for members of the General Assembly in October, 1900, at which time his successor shall be elected and so every four years thereafter. All vacancies in said office of solicitor shall be filled by an election held for that purpose in the same manner as elections to fill vacancies for judge of said court. No one shall be elected solicitor of said city court unless he has attained the age of twenty-five years, and has been a resident of said county three years, and has been practicing law for three years next preceding his election.

Solicitor.

Sec. 7. Be it further enacted, That it shall be the duty of the solicitor of said city court to represent the State in all cases therein, and in all cases in the Supreme Court carried from said city court to which the State is a party. In case the solicitor of said city court cannot attend to the duties of the same, the judge thereof shall appoint some competent attorney to act as solicitor *pro tem*. The solicitor of said city court shall receive the same fees as are by law allowed solicitors-general for like services in Superior and Supreme Courts, and shall be paid in the same manner. In criminal cases transmitted from the Superior Court of said

Duties.

Fees.

 Carrollton, City Court of Established.

county to said city court, the solicitor-general, sheriff and clerk of the Superior Court of said county shall share *pro rata* with the solicitor, sheriff and clerk of said city court in the distribution of fines, forfeitures and hire of convicts arising from cases in said city court, in the payment of their respective claims for costs in cases so transferred. The solicitor of said city court before entering upon the discharge of his duties shall, in addition to the oath required of all civil officers, take and subscribe the following oath:

Oath.

"I do solemnly swear that I will faithfully and impartially, and without fear, favor or affection, discharge the duties of the office of solicitor of the city court of Carrollton, so help me God."

Clerk and
sheriff.

Sec. 8. Be it further enacted, That the clerk and sheriff and their deputies of the Superior Court of said county shall be *ex officio* clerk and sheriff of said city court, and shall be entitled to and receive the same fees which they are entitled to and receive for like services in the Superior Court, and they shall perform all the duties in said city court which are by law required to be performed in the Superior Court, so far as the same are applicable; and for services rendered where no compensation is provided by law they shall receive such compensation as the judge of said city court shall in his sound discretion allow. All the officers of said city court shall be amenable to the same processes and penalties as such officers are amenable to in the Superior Court, and shall be entitled to the same remedies to enforce the collection of their fees and costs as in the Superior Court, and before entering upon the discharge of his duties as clerk of said city court, the clerk shall give bond and good security as in the Superior Court, in the sum of one thousand dollars, for the faithful discharge of the duties of his office. And before entering upon the discharge of his duties in said city court the sheriff shall give bond and good security as in the Superior Court, in the sum of five thousand dollars, for the faithful discharge of the duties of his office. And in case of failure or refusal of either of said officers to give such bond and security, the judge of said court shall appoint some suitable and proper person clerk or sheriff, as the case may be, of said city court, who shall give bond and security as aforesaid, and who shall then hold such office until the expiration of the term of office of such clerk or sheriff of the Superior Court.

Authority
of judge.

Sec. 9. Be it further enacted, That the judge of said city court shall have authority to issue all kinds of warrants, civil and criminal; to issue attachments and garnishments; to attest deeds and other papers, and to take affidavits anywhere in this State; to issue

 Carrollton, City Court of Established.

all processes, and to exercise all powers and authority throughout said county of judges of the Superior Courts of this State, except where by law exclusive power and authority is vested in the judges of the Superior Courts; and all laws relating to and governing judges of the Superior Courts shall apply to the judge of said city court, so far as applicable.

Sec. 10. Be it further enacted, That the regular terms of said city court shall be held quarterly, beginning on the first Mondays in March, June, September and December of each year, and shall continue for four weeks at each term unless sooner adjourned. Adjourned terms of said city court may be held under the same laws and regulations as adjourned terms of the Superior Courts are held. The judge of said city court may also order special terms of said city court at any time for the disposition of criminal cases in said city court where the defendant desires the same to be disposed of by the judge without a jury. Terms.

Sec. 11. Be it further enacted, That in case of the absence of the judge of said city court at any regular term thereof, the clerk of said city court may adjourn it to such time as the judge in writing may direct, and in the absence of such direction, the court shall stand adjourned until the next regular term. Absence of judge.

Sec. 12. Be it further enacted, That if from any cause the judge of said city court shall be disqualified to preside in any case therein, the judge of the Superior Court of said county may preside in his stead, and in like manner the judge of said city court may preside in the trial of cases in the Superior Court of said county in which the judge thereof is from any cause disqualified to preside; and in the absence of the judge of the Superior Court, or in case of his disqualification to preside, the parties or their counsel may agree upon some attorney to preside in civil cases in said city court in which the judge thereof is disqualified; and upon failure of the parties or their counsel to agree upon some attorney to preside in the trial of such case, the clerk shall appoint some attorney at law to preside in the trial of the same, as in the Superior Court. Disqualifications.

Sec. 13. Be it further enacted, That all petitions shall be filed in the clerk's office of said city court at least twenty days before the term of the court to which they are made returnable, and if filed within twenty days they shall be made returnable to the next term thereafter. The service of process shall be at least fifteen days before the return term. All suits shall stand for trial at the second term, as in the Superior Court. And all laws and rules of court in regard to appearance and pleading, and all proceedings Practice.

Carrollton, City Court of Established.

had in the Superior Courts shall apply to and govern said city court in all its proceedings, unless otherwise provided in this Act.

Judge
and jury.

Sec. 14. Be it further enacted, That the judge of said city court shall have power and authority to hear and determine all civil cases in said city court, and render judgments therein, without a jury; *provided*, that either party shall be entitled to a trial by a jury upon entering a demand therefor in writing on or before the call of the appearance docket at the appearance term, when by law he is entitled to a jury trial.

Claims.

Sec. 15. Be it further enacted, That said city court shall have jurisdiction to try all claim cases where personal property is levied on under process from said city court, and all illegalities filed to process from said city court, and all issues made upon proceedings to forfeit bonds taken in cases in said city court, or transferred thereto, and to proceed to forfeit such bonds or recognizances as are given by persons charged with penal offenses or by a prosecutor to prosecute, or by a witness to appear and testify in cases in said city court, in the manner heretofore practiced in this State, whatever may be the amount of such bond or recognizance.

Attach-
ments and
garnish-
ments.

Sec. 16. Be it further enacted, That the judge of said city court and all other officers now authorized by law to issue attachments and garnishments returnable to the Superior Courts, may issue attachments and garnishments returnable to said city court when the amount claimed is within the jurisdiction of said city court, under the same laws that govern the issuing of attachments and garnishments in the Superior Courts; and all attachments returnable to said city court shall be directed as executions issuing therefrom, and may be levied as attachments are levied returnable to the Superior Courts; and all laws upon the subject of attachments and garnishments in the Superior Courts shall apply to said city court in so far as not in conflict with this Act.

Practice.

Sec. 17. Be it further enacted, That parties in any cause in said city court shall be made in conformity with the laws on that subject in the Superior Courts; that the mode of commencing suits in the Superior Courts, of filing defenses, sets-off, affidavits of illegality and of arbitration, of the examination of witnesses by interrogatories or under subpoena, of perpetuating testimony, of compelling attendance of witnesses, of continuances, and of all matters pertaining to pleading and practice, shall obtain in said city court if not in conflict with this Act.

Court of
record.

Sec. 18. Be it further enacted, That said city court shall be a court of record, and shall have a seal, and the minutes, records,

Carrollton, City Court of Established.

dockets and other books required by law to be kept for the Superior Court shall be kept in and for said city court, and in the same manner, and under the same rules and regulations as provided by law for the keeping of the records of the Superior Courts.

Sec. 19. Be it further enacted, That all judgments and proceedings of said city court shall have the same dignity and binding effect as judgments and proceedings of the Superior Courts of this State, and that all laws regulating the enforcement of judgments of the Superior Courts, whether civil or criminal, shall apply to said city court, and shall be enforced by execution issued and signed by the clerk of said city court, and bear test in the name of the judge thereof, and shall be directed to the sheriff and his deputies of said city court, and to all and singular the sheriffs and their deputies of this State, and may be levied and sales made thereunder according to the laws governing sales under executions from the Superior Courts.

Judgments
lien and
enforce-
ment.

Sec. 20. Be it further enacted, That the judge of the city court shall have power to enforce his orders, to punish for contempt, and enforce his judgments under the same rules and laws as judges of the Superior Courts.

Contempt.

Sec. 21. Be it further enacted, That it shall be the duty of the clerk of said city court to prepare and file in his office a complete copy of the traverse jury list of the Superior Court of said county, as provided from time to time for the Superior Court, and a jury box shall be provided for said city court, and the name of persons on said jury list shall be placed in said box in the same manner and by the same authority as is provided by law for the Superior Court, from which shall be drawn all traverse jurors, as in the Superior Courts. All laws with reference to the drawing of, selecting and summoning traverse and tales jurors in the Superior Courts shall apply to and govern said city court.

Jury lists
and boxes.

Sec. 22. Be it further enacted, That from the jurors drawn and summoned under the provisions of this Act, the judge of said city court shall cause to be made up two juries of twelve jurors each, which shall be known and distinguished as juries numbers one and two, and all cases and issues to be tried by jury, civil or criminal, at that term, shall be tried by one of these or by a jury stricken from both, as in the Superior Courts, and all laws and registrations, both civil and criminal, in regard to drawing juries, challenges, summoning tales jurors, and selecting juries in the Superior Courts, shall apply to said city courts, if not in conflict with this Act.

Juries.

Sec. 23. Be it further enacted, That the judge of said city court

 Carrollton, City Court of E-established.

Bailiffs.

shall have authority to appoint at each term of said court not exceeding two bailiffs as officers of said court, unless a greater number may be necessary in cases of emergency, in which event he may appoint three additional bailiffs if necessary.

Accusa-
tion.

Sec. 24. Be it further enacted, That defendants in criminal cases in said city court may be tried on written accusation setting forth plainly the offense charged, founded on affidavit made by the prosecutor before the judge of said city court, and said accusation shall be signed by the prosecutor and the prosecuting officer of said city court.

Demand
for jury.

Upon such affidavit and accusation being made and signed and filed in the clerk's office of said city court, it shall be the duty of the judge of said city court to issue a warrant for the apprehension and arrest of the defendant, directed to the sheriff and his deputies of said city court, and to all and singular the sheriffs and constables of this State. Before the arraignment of the defendant, said judge shall inquire of him whether he demands an indictment, and the response of the defendant shall be indorsed on said accusation, and signed by the prosecuting officer of said city court. If the defendant demands indictment, or stands mute, the judge of said court shall, in the event of the inability of the defendant to furnish proper bail, which shall be required for his appearance to answer such indictment as may be found against him, conformable to the general law of bail in criminal cases, commit said defendant to the common jail of said county to await the action of the grand jury in such case. If the defendant waives indictment, the judge of said court shall inquire of him whether he demands a trial by jury, and his response shall be endorsed on said accusation and signed by the prosecuting officer of said court. If the defendant demands a trial by jury, or stands mute, the judge of said court shall proceed with said cause if at a regular term of said court, as in cases in the Superior Court. If the defendant demands a trial by jury, and the said court is not sitting at a regular term, the judge shall admit the defendant to bail, to appear at the next regular term, or upon failure of the defendant to give bond, shall commit him to jail until the next regular term of said city court. If the defendant waives trial by jury, then the judge shall proceed to hear and determine said case conformably to the law governing the Superior Courts; *provided*, that a reasonable time shall be granted to the State or the defendant to procure witnesses and prepare for trial.

Sec. 25. Be it further enacted, That it shall be the duty of the judge of the Superior Court of said county at the end of each term

Carrollton, City Court of Established.

of said Superior Court to transfer all presentments and bills of indictment for misdemeanors undisposed of to said city court for trial, and the order so transmitting such cases shall be entered on the minutes of both courts. Misdemeanors transferred.

Sec. 26. Be it further enacted, That it shall be the duty of all judicial officers of Carroll county before whom commitment trials are had to bind over to said city court all persons charged with offenses committed within the limits of said county, over which said city court has jurisdiction, to answer for said offenses when there is sufficient reason to suspect the guilt of accused. Commitments.

Sec. 27. Be it further enacted, That any civil cases pending at any time in the Superior Court of said county, over which said city court would have had jurisdiction had it been brought in said city court, may, by consent of all parties, or their counsel, be transferred at any time to said city court for trial and disposition therein in the same manner as if had in the first instance been brought in said city court. And in like manner, any civil case pending in said city court may, by consent of parties or their counsel, be transferred to the Superior Court of said county for trial and disposition as if originally brought in said Superior Court. Transfers from superior court.

Sec. 28. Be it further enacted, That the judge of said city court shall have power to entertain and hear motions for new trials, and grant or refuse the same, in both criminal and civil cases, under the same laws, rules and regulations which govern motions for new trials in the Superior Courts, so far as applicable. When a criminal case is heard at a special term of said city court, the defendant shall have ten days in which to make and file a motion for a new trial, and in all other respects such motion shall be governed by the laws, rules and regulations aforesaid. New trials.

Sec. 29. Be it further enacted, That a writ of error will lie direct to the Supreme Court from said city court upon a bill of exceptions made and filed under the same laws, rules and regulations as govern in the Superior Court. Writs of error.

Sec. 30. Be it further enacted, That all business now pending in the city court of Carroll county be, and the same is, hereby transferred to the city court of Carrollton, of said county, and that the proceedings therein shall be the same as if originally brought in said city court of Carrollton; and that all cases pending in the Superior Court of said county upon writs of *certiorari* to the city court of Carroll county shall be disposed of in and by the city court of Carrollton, if new trials are granted, or other direction Transfers from city court of Carroll county.

Carrollton, City Court of Established.

given therein by the Superior Court of said county, as though originally brought in the city court of Carrollton.

Fees of
jurors and
officers.

Sec. 31. Be it further enacted, That the fees of jurors and other officers of said court of Carrollton shall be the same as in the Superior Court of said county, and shall be paid in the same manner.

Juries for
December
term, 1897.

Sec. 32. Be it further enacted, That the jury drawn for the December term, 1897, of the city court of Carroll county be, and the same declared to be a competent jury to serve at the December term, 1897, of the city court of Carrollton, and that the drawing of juries thereafter be made from the jury box of the city court of Carroll county, as now prepared, until a revision of the same is had, as is provided for in the Superior Courts.

Insolvent
costs.

Sec. 33. Be it further enacted, That on the last day of each regular term of said city court of Carrollton, or on any subsequent day he may appoint so to do, the judge shall distribute the money arising in said city court of Carrollton from fines and forfeitures and the hire of convicts among the parties entitled thereto in the following manner: One-third of the fines and forfeitures and hire of convicts shall be paid to the solicitor-general of the Coweta circuit then in office, if there be costs due him on his insolvent cost bill in the Superior Court of Carroll county, and by him credited on such insolvent cost bill; the balance shall be distributed *pro rata* among the officers of said city court entitled thereto, the justices of the peace and constables of said county who may be entitled to costs in misdemeanor cases committed or bound over to said city court. The solicitor-general, clerk and sheriff of the Superior Court are to be considered officers of said city court in so far as costs in transferred cases are concerned. All bills for insolvent costs due the solicitor-general, the solicitor of said city court, the sheriff and clerk of the Superior Court, and the sheriff and clerk of the said city court in cases disposed of in said city court and committing magistrates and constables in cases of misdemeanor before such magistrates, shall be approved by the city court judge, and entered on the minutes of said city court, and shall be a lien on all such money arising in said court as aforesaid, and shall be paid *pro rata*: first, to the costs in the criminal case which is the foundation of the proceeding from which the money arises; second, to the officers of said court for the time being in office at the term the money is brought into court on their bills for insolvent costs; third, to the officers out of office on their bills for insolvent costs; fourth, to the county treasurer of Carroll county, to be by him placed to the credit of the fine and forfeiture fund of said county, and dis-

tributed as now provided by law. And the clerk of said city court shall keep a book in which he shall open an account with each officer entitled to share in said funds, giving him credit for all bills of insolvent costs approved by the judge as aforesaid, and debiting him with all payments. All orders distributing such money shall be entered on the minutes of said city court, and until distributed, the funds are considered in the hands of the court. The clerk shall also keep a fine and forfeiture account, on the debit side of which he shall place all sums, including costs in the particular case coming into court, giving date, amount, and from what source arising; and on the credit side he shall place the several sums ordered by the court to be paid to each individual, stating on what order it is to be paid. When the payment is actually made, the same is to be charged to the individual account of the person to whom it is paid as aforesaid, and a credit entered upon the proper order. The clerk shall have a receipt book, in which he shall take proper vouchers of all payments made, and he shall be the proper custodian of all such money, and shall disburse the same by order as aforesaid; and said books shall be subject to inspection by interested parties at any time during office hours. The judge of said city court, in making distributions, must ascertain all the parties having orders, and distribute in accordance therewith, whether they are represented before him or not, taking particular care that justices of the peace and constables are not overlooked. Any person appropriating any such money without order, as herein prescribed, shall be liable to be dismissed from office, and be liable to any other person or persons having an order for the whole of such orders, as such person may have who makes motion for the same, such liability to be enforced by summary rule.

Sec 34. Be it further enacted, That when any execution issued from said city court of Carrollton shall be levied on any realty in this State; and claim be filed thereto, it shall be returned to the Superior Court of the county where such realty lies for trial and determination, as other claim cases returned to the Superior Court.

Claims to
realty.

Sec. 35. Be it further enacted, That all laws now of force in this State or that may be passed in reference to any matters over which said city court of Carrollton has jurisdiction, shall apply to said city court, so far as the nature of the same will admit.

General
law appli-
cable.

Sec. 36. Be it further enacted, That the provisions of this bill shall not go into effect until it has been ratified by a majority of the qualified votes of said county at an election held for that purpose, to be called by the ordinary of Carroll county, Georgia, notice

Election
for this
law.

Douglas, City Court of Established.

of which shall be given in two newspapers published in said county; said election to be held as other county elections, the returns to be made to the ordinary, who shall consolidate the vote and declare the result.

Sec. 37. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

DOUGLAS, CITY COURT OF ESTABLISHED.

No. 209.

An Act to establish the city court of Douglas, in the city of Douglas, in Coffee county; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof, and to define their powers and duties; to provide for the granting of new trials therein and writs of errors therefrom, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the city court of Douglas, by that name, is hereby established and created, to be organized, located and held in the city of Douglas, in Coffee county, Georgia, with jurisdiction, civil and criminal, as hereinafter provided.

Sec. 2. Be it further enacted, That the jurisdictional limits of the city court of Douglas shall embrace the whole county of Coffee, and the said court shall, within those limits, have jurisdiction concurrent with the Superior Court of the county of Coffee, of all civil causes of whatever nature, wherein the principal sum claimed or involved is as much as fifty dollars, except those of which jurisdiction is exclusively given to the Superior Court by the Constitution and laws of the State; and the said jurisdiction herein conferred shall include not only the ordinary suits by petition and process, but also all other kind of suits and proceedings which now or hereafter may be in use in the Superior Courts, either under the common law or by statutes, including, among others, attachments and garnishment proceedings, illegalities, counter-affidavits to any proceedings from said court, statutory awards, proceedings against intruders and tenants holding over, partition of personalty,

issues upon distress warrants, foreclosures of liens and chattel mortgages.

Sec. 3. Be it further enacted, That said city court of Douglas shall have criminal jurisdiction to try and dispose of all offenses committed in the county of Coffee, and which do not subject the offender to loss of life or confinement in the penitentiary. Criminal.

Sec. 4. Be it further enacted, That there shall be a judge of said city court of Douglas, who shall be appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall be four years, and all vacancies in the office of judge shall be filled by appointment of the Governor for the residue of the unexpired term, such appointment being subject to the approval of the Senate which may be then in session, or if the Senate be not in session at the time of such appointment, then subject to the approval of the Senate at its next session thereafter. The judge of said city court of Douglas shall receive a salary of six hundred dollars per annum, which shall be paid monthly out of the treasury of the county of Coffee by the person or persons charged by the law with paying out of the money of the county of Coffee. Judge.

Sec. 5. Be it further enacted, That any person who shall be appointed judge of the city court of Douglas must at the time of said appointment be at least twenty-five years of age; must have resided in Coffee county at least three years immediately preceding his appointment, and he must also have been a practicing attorney at law at least four years before his appointment, and he shall, before entering upon the discharge of the duties of his office, take and subscribe the following oath: "I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and the rich, and that I will faithfully and impartially discharge and perform all the duties which may be required of me as judge of the city court of Douglas, of this State, according to the best of my ability and understanding, agreeably to the laws and Constitution of this State, and the Constitution of the United States, so help me God," and said oath shall immediately thereafter be forwarded to the Governor and filed in the executive department. Said judge shall have authority to issue criminal warrants, warrants to dispossess tenants holding over, and intruders; to issue distress warrants, and generally do all acts which the judge of the county courts of this State are authorized to do, unless otherwise provided. Qualifications.
Oath.

Sec. 6. Be it further enacted, That the judge of said court shall have power to cause testimony to be taken *de bene esse*, and for the Authority.

purpose of perpetuating testimony within his jurisdiction in all cases, according to the general laws of this State; and the judge and other officers of said city court shall have power respectively to administer all oaths pertaining to their respective offices, as the judge and other officers of the Superior Court may in like cases do; and said judge shall also have power to attest deeds and other papers and administer affidavits in all cases anywhere in the State in which, by existing laws, such papers may be attested and affidavit administered by a justice of the peace of this State; and the judge of said city court shall have all the power and authority, throughout his jurisdiction, of judges of the Superior Courts, except when by law exclusive power and authority is vested in the Superior Courts; and all laws relating thereto and governing the judges of the Superior Courts shall apply to the judge of said city court, so far as the same may be applicable, except as herein provided.

Judge
and jury.

Sec. 7. Be it further enacted, That the judge of said city court shall have power and authority to hear and determine all civil cases of which the said court has jurisdiction, and to give judgment and award execution thereon; *provided, always*, that either party in any cause shall be entitled to a trial by a jury in said court upon entering a demand therefor, by himself or his attorney, in writing, on or before the call of the docket of said court at the term to which the same is returnable, in all cases where such party is entitled to a trial by a jury under the Constitution and laws of this State.

Judge may
practice
law.

Sec. 8. Be it further enacted, That the judge of said city court may practice law in any of the courts of this State or of the United States, except in said city court and the Supreme Court in writs of error from the city court. The judge of the Superior Court and the judge of the city court may preside in the courts of each other in said county in cases where the judge of either court is from any cause disqualified to preside; *provided, also*, that whenever the judge of said city court is from any cause disqualified from presiding in any case, and the judge of the Superior Court on account of absence or other cause shall fail to preside in said court, as above provided, then upon consent of the parties, or upon their failure or refusal to agree, said cause may be tried by a judge *pro hac vice* selected in the same manner as now provided for in the Superior Courts.

Disquali-
fications.

*Habeas
corpus.*

Sec. 9. Be it further enacted, That the judge of said city court shall have power to issue writs of *habeas corpus*, and to hear and dispose of the same in the same way and with the same power as the judge of the Superior Court.

Douglas, City Court of Established.

Sec. 10. Be it further enacted, That there shall be a solicitor of ^{Solicitor.} said city court, who shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for the term of two years. All vacancies in said office shall be filled by appointment of the Governor for the remainder of the unexpired term, and should a vacancy occur when the Senate shall not be in session the Governor shall fill such vacancy by appointment, and shall submit such appointment to the Senate at its next session thereafter. No person shall be appointed solicitor of said court unless at the time of his appointment he shall have arrived at the age of twenty-one years, and shall be a resident of said county of Coffee, and shall be a practicing attorney at law. The fees of the solicitor of said court shall be as follows: For every person prosecuted to trial or plea of guilty in a case founded on accusation, indictment or presentment, ten dollars; for every person prosecuted to trial or plea of guilty for a violation of the gambling laws of this State, fifteen dollars; for representing the State in each case carried to the Supreme Court from said city court, fifteen dollars. Said solicitor shall for his services in the Supreme Court be paid out of the treasury of the State by warrant drawn by the Governor, upon the certificate of the clerk of the Supreme Court as to the performance of such services, and the certificate of the clerk of the city court of the insolvency or acquittal of the defendant. For all services for which this Act does not provide, said solicitor shall receive the same fees now allowed by law to the solicitor-general in the Superior Court for similar services. Said solicitor, before entering upon the duties of his office, shall give bond with good ^{Bond.} security in the sum of one thousand dollars, payable to the Governor, conditioned for the faithful discharge of the duties of his office, and shall in addition to the oath required of all civil officers, take and subscribe an oath to faithfully and impartially discharge his duties as the solicitor of said city court of Douglas. If ^{Oath} for any reason said solicitor should fail or be disqualified to act in any case, the court shall have power to appoint a solicitor *pro tem.*, and he shall be entitled to the same fees as the regular solicitor of said court.

Sec. 11. Be it further enacted, That there shall be a clerk of ^{Clerk.} said city court, appointed by the judge thereof, who shall hold his office at the pleasure of said judge or his successor in office; said clerk shall, before entering upon the duties of his office, take an oath similar to that prescribed for clerks of the Superior Courts, which oath may be administered by the judge of said city court; he shall

Douglas, City Court of Established.

also execute a bond with good security, payable to the Governor, in the sum of five hundred dollars, for the faithful discharge of the duties of his office, said bond to be approved by the judge of said court; and the oath and bond aforesaid shall be entered upon the minutes of said court, after which the same shall be deposited in the office of the ordinary of said county of Coffee; said clerk shall have, with the consent of the judge of said court, power to appoint a deputy or deputies. He shall have the same power to administer affidavits and attest deeds and other papers as is vested by law in the clerks of the Superior Courts of this State. It is also provided that the clerk of the Superior Court of said county shall be eligible to hold the office of clerk of said city court, and the judge of the city court may, if he sees proper, appoint him to that office.

Sheriff.

Sec. 12. Be it further enacted, That the judge of said city court shall appoint an officer to serve all processes, writs, orders and papers of all kind issued from said city court, and the person so appointed, in his official connection with said court, shall be known and designated as the sheriff of the city court of Douglas. Before entering on the discharge of the duties of his office he shall take and subscribe before the judge of said court an oath similar to that prescribed for the sheriffs of the counties, and shall also execute a bond with good security, payable to the Governor, in the sum of one thousand dollars, for the faithful discharge of the duties of said office, said bond to be approved by the judge of said court, and the oath and bond to be entered upon the minutes of said court and filed in the clerk's office of said city court. Said sheriff shall have power to appoint a deputy or deputies, with the consent of the judge of said court. All the duties and liabilities, not inconsistent with this Act, attached to office of clerk of the Superior Court and to the office of sheriff of the county, shall be attached to the office of clerk of said city court, and to the office of sheriff of said court, respectively, and the judge of said city court is empowered to exercise the same authority over the said clerk and sheriff and their deputies as is exercised by the judges of the Superior Courts over the clerks of said Superior Courts and the sheriffs of the counties. When for any cause neither the sheriff of said court nor any of his deputies can be had in a case of emergency, the judge of said city court may appoint any constable of said county, or any other person, to execute any writ, order or process from said court, and such person appointed shall not be required to give bond, but must take an oath to perform the duties of his office; *provided, always*, that the sheriff and his deputy or depu-

Douglas, City Court of Established.

ties of Coffee county shall have power to execute any process or order of said court, and to perform any and all duties of the sheriff of said city court, when so directed by the judge of said city court.

Sec. 13. Be it further enacted, That in said city court the same ^{Practice.} rules of procedure, service, pleading and practice shall govern, as for the time being obtain in the Superior Courts, except as otherwise provided in this Act; and whenever and in all cases where the rules of the Superior Courts cannot be made applicable on account of the difference in the constitution of said courts, then the judge of said city court may make and promulgate rules to cover such cases. Suits for not over one hundred dollars, exclusive of interest and attorney's fees, and all issues and proceedings where not more than this amount in value is involved, may be returnable to the monthly session of said court, and be disposed of at the first term; *provided, however*, that where any plea is filed to such action the second term shall be the trial term thereof, unless both parties shall consent that the same be tried at said first term. All other causes and proceedings must be brought to the quarterly terms of said court, and the same shall stand for trial at the first or second term as similar causes would be tried in the superior courts.

Sec. 14. Be it further enacted, That the general laws of this ^{General law applicable.} State with regard to the commencement of suits in the superior courts, defenses, set-off, affidavits of illegality, arbitration, examination of parties to suits or witnesses by interrogatories or under subpoena, attendance of witnesses, continuances, or other matters of a judicial nature, within the jurisdiction of said city court, shall be applicable to said court, unless otherwise provided in this Act. It shall be competent to make additional parties in suit or proceedings in said city court, where it is necessary to determine the rights of interested persons. Any defendants in any cause in said court may set up equitable defenses, and it shall be within the power of said city court, in a proper case, to mould the verdict at law so as to do full justice to the parties, and in the same manner as a decree in equity, and the judgment and execution shall conform to the verdict.

Sec. 15. Be it further enacted, That the term or sessions of said ^{Terms.} city court shall be monthly and quarterly, the monthly terms beginning on the third Monday in each calendar month, and quarterly terms beginning on the third Monday in January, April, July and October; *provided*, that the city court judge may from time to time change the time of holding said sessions, such change to be advertised one or more times in some newspaper published or having

a general circulation in said county of Coffee. The judge of said court shall have power to hold said court in sessions, and adjourn from time to time; *provided*, that said court shall not remain continuously in session at any time for longer than three weeks, and the judge of said court may set cases for trial at convenient times, and the same may then be tried, whether court has been held from day to day until said time or not.

Costs.

Sec. 16. Be it further enacted, That in all civil causes and proceedings brought to the monthly term of said court the party cast in such suit or proceeding shall pay over to the clerk or sheriff of said city court the sum of one dollar and a half, and in all civil causes or proceedings brought to the quarterly term of said court the party cast in such suit or proceeding shall pay over to said clerk or sheriff the sum of three dollars and a half, which sums shall by said clerk or sheriff be paid over as received to the treasurer of Coffee county, and said treasurer may place the same with the general funds of said county, but he shall keep a separate account of all such moneys so received; and it is further provided that when the sum of three hundred and fifty dollars per year is thus paid over to said treasurer, that all over and above this amount, if any, of costs collected as above, shall be paid over to the judge of said city court as additional compensation to the salary already hereinbefore provided for in this Act.

Judgments,
lien of.

Sec. 17. Be it further enacted, That all judgments obtained in said city court shall be a lien on all property belonging to the defendant or defendants throughout the State, in the same manner as are judgment of the superior courts, and all executions issuing from said city court shall be tested in the name of the judge and signed by the clerk thereof, and directed to the sheriff or his deputies of the city court of Douglas, and to all and singular the sheriffs or their deputies of the State of Georgia.

Practice.

Sec. 18. Be it further enacted, That suits in said city court shall in all respects be conformable to the mode of proceedings in the superior court, except as otherwise provided in this Act, but the process to writs shall be annexed and signed by the clerk of said city court, be tested in the name of the judge thereof, and be directed to and be served by the sheriff or his deputies of the city court of Douglas, or to the sheriff and his deputies of Coffee county.

Attach-
ments and
garnish-
ments.

Sec. 19. Be it further enacted, That all laws upon the subject of garnishments and attachments as to any matter whatever in the superior courts of this State shall apply to said city court, as if named with the superior court, so far as the nature of the city court

will admit. Attachments in said court, or returnable to said court, shall be directed to the sheriff or his deputies of the city court of Douglas, and to all and singular the sheriffs and constables of this State, and the judge of said city court, or any justice of the peace or notary public may issue attachments returnable to said city court under the same laws that govern the issuing of attachments returnable to the superior courts.

Sec. 20. Be it further enacted, That *scire facias* to make par-Writs. ties and revive judgments may be had as in the superior courts, but such *scire facias* shall run through the State and may be served by any sheriff or his deputy thereof.

Sec. 21. Be it further enacted, That any writ or process of said Service. city court to be served in any other county than Coffee shall be served by the same officers of the county of service as may serve superior court process, and parties out of the State may be served as in the superior courts.

Sec. 22. Be it further enacted, That all suits against joint obli-Suits on joint obligators. gators, joint promissor copartners, or joint trespassers, in which any one or more resides in the county of Coffee, may be brought in said court within its jurisdiction, under the same rules and regulations governing such cases in the superior courts, *mutatis mutandis*, as to copies, second originals, returns, and other matters connected with the suit.

Sec. 23. Be it further enacted, That said city court shall be a Court of record. court of record, with a seal, and the minutes, records, dockets and files that are required to be kept in the superior court, shall be kept in and for said city court, and in the same manner, and shall be provided in the same manner as for the superior court.

Sec. 24. Be it further enacted, That all laws regulating the en-Judgments, enforcement of. forcing of judgments of the superior courts, whether civil or criminal, shall apply to said city court, and the executions shall issue and be levied, and sales be had thereunder, under the same rules and laws regulating the same in the superior courts, except that where the execution shall be based upon a judgment rendered at a monthly term of said court, the sale under the levy of such execution may be advertised by posting written notices of the same in three or more public places in said county of Coffee, for twenty days before the day of the sale.

Sec. 25. Be it further enacted, That the judge of said city court Contempt. shall have the same power to enforce his orders, to preserve order, punish for contempt, and to enforce all his judgments, as vested by law in the judges of the superior courts.

Jurors.

Sec. 26. Be it further enacted, That all persons liable to serve as grand and petit jurors in superior court of Coffee county shall be liable to serve as petit jurors in said city court, and it shall be the duty of the clerk of said city court to copy into a book the lists of all names liable to serve as grand and petit jurors in said superior court, to be taken from the lists of said superior court, under the supervision of the judge of said city court, and to make a new list as often as said superior court jury lists are revised, to conform to said revision, which said book containing the lists of persons liable to serve as jurors in said city court, as above prescribed, shall be alphabetically arranged, and shall be kept in the office of the clerk of said city court. The clerk shall also make out tickets equal in number to the number of persons on said lists, and write upon each the name of one of said persons, and deposit the same in a box, to be provided at public expenses, and numbered one, until there shall be a ticket in said box bearing the name of each person on said lists.

Juries.

Sec. 27. Be it further enacted, That during the session of said city court, at each term, in open court, the judge of said court, or the judge of the superior court when presiding in said court, shall draw from said box number one sixteen names of persons to serve as jurors at the next term thereafter of said city court, and shall cause the clerk to record the names so drawn, and then deposit the tickets in another box, numbered two. These boxes shall be so constructed as to be kept under one seal and lock, and shall be kept sealed, and shall not be opened by any person except the judge of said city court, or the judge of the superior court when presiding in his place, for the purpose of drawing juries in open court, except in cases when, from failure to draw a jury in term time, or from other cause, it may be necessary to draw a jury from said city court in vacation. If from any cause it should become necessary to draw a jury from said city court in vacation, either the judge of said city court or the superior court judge may at any time, fifteen days before the next term of said city court, in the presence of the clerk and sheriff of said court, proceed to draw juries in the manner above prescribed. The clerk of said court shall keep said jury boxes, and the sheriff of said court shall keep the key, and it shall be the duty of the clerk of said city court, within six days after the appointment of the judge of said court, to prepare said jury lists in boxes hereinbefore provided, and after said boxes are prepared the jury to serve at the first term of said court shall be drawn, as above provided for drawing juries in vacation.

Douglas, City Court of Established.

Sec. 28. Be it further enacted, That it shall be the duty of the Jurors. clerk of said court to issue and deliver to the sheriff, or his deputy, of said court a precept containing the names of the persons drawn as jurors in said court, and upon receipt of said precept said sheriff, or his deputy, shall cause the persons whose names are therein written to be served personally, or by leaving the summons at their most notorious place of abode, at least five days prior to the term of the court the jurors were drawn to attend.

Sec. 29. Be it further enacted, That the sixteen jurors drawn and Juries. summoned as above provided, shall be impaneled. In all cases, civil and criminal, trial by a jury of twelve shall be had in said court when so demanded, but a trial by a jury of twelve may be waived, and in that event the jury shall be selected as follows: In civil cases each side shall have four strikes, and in criminal cases the defendant shall have five strikes and the State three strikes; eight shall thus constitute a jury. When a jury of eight shall have retired for the purpose of considering a case, the parties in any case may, by consent, agree to use the remaining eight jurors for the trial of such case, and this shall constitute a legal jury. If either party in a civil case or the defendant in a criminal case declines to waive trial by a jury of twelve, then in civil cases each side shall be allowed two strikes, and in criminal cases the defendant shall be allowed three strikes and the State one strike from said panel. The sheriff of said court shall be entitled to a fee of three dollars for summoning the jurors for each term of said court, to be paid in the same manner as the sheriff of the superior court is paid for similar services. The jurors, those drawn on the regular panel and likewise the talesmen, the judge of said court being empowered to have summoned instanter at any term of said court, talesmen, whenever necessary to complete a panel, shall each receive the sum of one dollar and a half per day while serving as jurors in said court, same to be paid under the rules governing the payment of superior court jurors, and the city court jury script shall stand on the same footing in every respect as superior court jury script.

Sec. 30. Be it further enacted, That the incidental expenses of Incidental the said city court shall be paid in the same manner as such expense. expenses in the superior court are paid.

Sec. 31. Be it further enacted, That witnesses in civil and criminal cases in said city court shall receive the same pay, from the Witness fees. same source, and in the same manner, as witnesses in the superior court.

Douglas, City Court of Established.

Commit-
ments.

Sec. 32. Be it further enacted, That it shall be the duty of all the justices of the peace, notaries public, and all other officers having like authority, to commit or bind over to said city court all persons charged with offenses for which they may be bound over or committed, within the limits of Coffee county, over which said city court has jurisdiction, to answer for said offense in said city court.

Demand
for jury.

Sec. 33. Be it further enacted, That at the monthly or any other session or term of said city court, the judge thereof may hear and determine the case or cases of any person charged with commission of any criminal offense within the jurisdiction of said court upon accusation, indictment or presentment, without a jury; *provided*, the person accused shall in open court waive a trial by a jury in said court; *and provided further*, that when the charges against said accused are made by accusation the said accused shall not demand an indictment by the grand jury; if such a demand for indictment by the grand jury is made, it shall be the duty of the judge of said city court to commit or bind over the accused to the superior court of said county. Should indictment not be demanded, and the accused waives trial by jury in said city court, the judge of said court shall have authority to try and dispose of said case at any time so soon as the State and the accused may get ready for trial, without waiting for a regular term of said court. When, on investigation of a case on accusation, the offense appears to be a felony, the trial shall be suspended and the defendant committed or bound over to the next term of the superior court of Coffee county, as in preliminary examinations.

Accusa-
tion.

Sec. 34. Be it further enacted, That all criminal cases tried in said city court, whether at a regular or special session, shall be upon written accusation, unless upon indictment or presentment; such accusation shall set forth plainly the offense charged, and shall conform as to all matters of substance with the rules of criminal pleading which prevail in the superior courts; *provided, however*, that said accusations shall be amendable at any stage of the trial, until said accusation shall be legally sufficient, and same shall not be dismissed or quashed upon a mere technicality. Said accusation shall be based upon an affidavit made before the judge of said court or before some other competent judicial officer of this State, and same shall be signed by the solicitor of said court, or other attorney representing the State, and having endorsed thereon the name of the prosecutor, if any.

Sec. 35. Be it further enacted, That the judge of the superior

Douglas, City Court of Established.

court of Coffee county shall by order transmit to said city court for trial and final disposition all presentments and bills of indictment found by the grand jury for offenses within the jurisdiction of said city court, which may remain undisposed of at the end of each term of the said superior court of Coffee, the order so transmitting such cases to be entered on the minutes of both courts. All bonds returnable to the superior court shall follow the case to the city court when so transferred, and the defendant shall in such case be bound to appear in said city court at its first monthly session after such indictment or presentment shall have been transferred, and after he shall have notice of such transfer; in like manner the judge of the superior court of Coffee county may by order transmit to said city court all civil cases upon the docket of the superior court which are within the jurisdiction of said city court; *provided*, that the parties to said cases shall agree that same be transmitted to said city court.

Cases transferred from superior court.

Sec. 36. Be it further enacted, That the judge of said city court of Douglas shall have power to grant a new trial in any case, civil or criminal, in his court, upon the same terms and conditions and under the same laws and regulations in every respect governing the granting of new trials in the superior courts. All rules of pleading, practice and procedure governing motions, rules *nisi*, and other proceedings in new trials in the superior courts shall apply to and govern the same in said city court. Upon the new trial of a case either party in a civil cause, or the defendant in a criminal case, shall have the right to demand a jury trial without regard to whether or not the preceding trial or trials was with or without a jury.

New trials.

Sec. 37. Be it further enacted, That a writ of error shall lie direct from the said city court of Douglas to the Supreme Court of this State upon a bill of exceptions filed under the same rules and regulations as govern and control the issuing of writs of error and filing of bills of exceptions in the superior courts of this State.

Writs of error.

Sec. 38. Be it further enacted, That the fees of the clerk of said city court shall be as follows: For each criminal case tried on accusation, \$6.00; for each criminal case tried on indictment or presentment handed down from the superior court, \$3.00; for each commission to take testimony, \$1.00; for each subpoena, 15 cents; for filing and docketing civil cases brought to quarterly term, \$1.00; for recording judgment and proceedings of same, \$1.50; issuing and docketing *fi. fa.*, 50 cents. In civil cases brought to the monthly term he shall receive for filing and docketing case, 25

Fees of clerk

Douglas, City Court of Established.

cents; recording judgment, 50 cents; issuing and docketing *fi. fa.*, 25 cents. For full service in cases carried from said court to the superior court, \$5.00 in each case. His fee on garnishments sued out in monthly term cases, 25 cents; quarterly term, 50 cents. For other services required of him the judge of said court may allow such compensation as he deems proper.

Fees of
sheriff.

Sec. 39. Be it further enacted, That the fees of the sheriff of said court for service of writs, processes and all other papers generally from said court, and for all other services therein rendered shall be the same allowed the sheriff of the county for similar services rendered in and for the superior court, except that for serving writs, processes, etc., in suits brought to the monthly terms, he shall be entitled to only \$1.00 for papers thus served, same to include garnishments; for serving subpoenas, 50 cents each. For his services in all criminal proceedings he shall be entitled to same fees as allowed to sheriffs in superior courts. For attending sessions of city court he shall be paid \$2.00 per day out of the county treasury. For other services not provided for the judge of said court may by order fix the amount of compensation.

Absence of
judge.

Sec. 40. Be it further enacted, That in the absence of the judge of said city court, from indisposition or otherwise, from any term of said court, it shall be the duty of the clerk or sheriff of said court to open and adjourn said court to such day as the judge may in writing direct.

Claims.

Sec. 41. Be it further enacted, That said city court shall have jurisdiction of all claim cases where personal property is levied on under execution or other process from said court.

Stenog-
rapher.

Sec. 42. Be it further enacted, That the judge of said city court of Douglas shall have power to appoint an official reporter or stenographer for said city court, who, for services rendered in reporting civil cases and furnishing briefs of evidence therein, shall be allowed the same fees as is allowed for similar services in the superior courts, same to be paid by the parties under rules governing such matters in superior courts. Criminal cases may likewise be reported when defendants desire this done and will pay for the services of said reporter.

Cases
transferred
from city
court of
Coffee
county.

Sec. 43. Be it further enacted, That all cases, civil and criminal, now pending and undisposed of in the city court of Coffee county, shall be, and the same are, hereby transferred to said city court of Douglas, and the same shall be placed upon the proper dockets in said city court of Douglas, and shall be tried and disposed of as other cases in said court. All final and other processes now in

Douglas, City Court of Established.

the hands of the sheriff of the city court of Coffee county, or other officers, which are made returnable to said city court of Coffee county, shall be by them returnable to said city court of Douglas instead of said city court of Coffee county. The judge and other officers of said court of Douglas shall have power and authority to issue and enforce, in the name of said city court of Douglas, any and all processes in any case from said city court of Coffee county necessary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of the city court of Coffee county. All unpaid orders for insolvent costs from the city court of Coffee county shall be transferred to said city court of Douglas, and be entitled to share in the fines and forfeiture fund in said city court of Douglas. All records, books and papers disposed of and of file in said city court of Coffee county shall be filed and deposited with the clerk of said city court of Douglas. All *fi. fas.* and final processes not satisfied now in the hands of the sheriff of said city court of Coffee county shall be levied and enforced by the sheriff of the city court of Douglas, and returns thereof made to said city court. Insolvent: costs.

Sec. 44. Be it further enacted, That all moneys arising in said city court of Douglas from fines and forfeitures and convict hire, as allowed by law, shall be subject to the payment of the fees of the solicitor, clerk, sheriff and other officers of the superior court of Coffee county in all cases sent down to said city court from the superior court. At each regular term of said city court the judge thereof shall grant orders for the payment out of the funds aforesaid of all accounts of aforesaid officers, after such accounts shall have been approved as being correct, same to be paid *pro rata* according to the general laws governing such matters. Court house.

Sec. 45. Be it further enacted, That the sessions of said court shall be held in the court-house of Coffee county, in said city of Douglas. Repealing clause.

Sec. 46. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 9, 1897.

GRIFFIN, CITY COURT OF ESTABLISHED.

No. 218.

An Act to establish the city court of Griffin, in Spalding county; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof, and to define their powers and duties; to provide for pleading and practice and new trials therein, and for carrying cases direct from said city court to the supreme court by bill of exception or writ of error, and for other purposes.

City court
of Griffin.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act, the city court of Griffin is established, to be organized, located and held in the courthouse in the city of Griffin, in Spalding county, Georgia, with jurisdiction, civil and criminal, over the entire county of Spalding.

Court
of record.

Sec. 2. Be it further enacted by the authority aforesaid, That the city court of Griffin shall be a court of record, and shall have a seal, and the minutes, records, dockets and other books and files that are required by law to be kept for the superior court, shall be kept in and for said city court, and in the same manner, and all laws applicable to the duties of the clerk and sheriff in the superior courts shall apply to them in said city court, except where they conflict with the provisions of this Act.

Judge.

Sec. 3. Be it further enacted by the authority aforesaid, That there shall be a judge of the said city court of Griffin who shall be appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall be four years, and all vacancies in said office shall be filled by appointment by the Governor for the residue of the unexpired term; such appointment being subject to the approval of the Senate which may then be in session, or if the Senate be not in session at the time of such appointment, or fails to act, then subject to the approval of the Senate at its next session thereafter; *provided*, that the judge first appointed under this Act shall, if the Senate be not in session, or shall fail to act, hold and fill the office subject to the approval of the Senate at its next session thereafter. The judge of said city court of Griffin shall receive a salary of eight hundred dollars (\$800.00) per annum, which shall not be increased or diminished during his term of office, and shall be paid monthly out of the treasury of the county of Spalding.

Griffin, City Court of Established.

Sec. 4. Be it further enacted by the authority aforesaid, That ^{Qualifications.} any person who shall be appointed judge of said city court must at the time of said appointment, be at least twenty-seven years of age; he must also have been a resident of Spalding county at least four years immediately preceding his appointment, and must also have been a practicing attorney at law at least five years before his appointment, and before entering upon the discharge of the duties of his office he shall take and subscribe the following oath: "I solemnly swear that I will administer justice without respect Oath. to persons, and do equal rights to the poor and rich, and that I will faithfully and impartially discharge and perform all duties which may be required of me as judge of the city court of Griffin, according to the best of my ability and understanding, according to the laws and Constitution of this State and of the United States, so help me God," and said oath shall be forwarded to the Governor and filed in the Executive Department. Said judge shall not have the right to practice law in any court in the county of Spalding

Sec. 5. Be it further enacted by the authority aforesaid, That ^{Solicitor.} there shall be a solicitor of the said city court of Griffin, to be appointed by the judge thereof, whose term of office shall be two years. The judge of said court shall have the right to remove said solicitor and appoint his successor at any time he should deem it proper to do so. The fees of said solicitor shall be as follows: for every case finally disposed of in said court founded upon accusation, ten dollars (\$10.00); for every indictment or special presentment finally disposed of in said court, five dollars (\$5.00); for every case for a violation of the gambling laws of the State, twenty-five (\$25.00) dollars; for representing the State in case carried to the supreme court from said city court, fifteen dollars (\$15.00); said solicitor shall for his services in the supreme court be paid out of the treasury of the State by warrant drawn by the Governor upon certificate of the clerk of the supreme court as to the performance of such services, and upon the affidavit of the party and the certificate of the clerk of the city court of the insolvency of the defendant. For all services for which this Act does not provide, said solicitor shall receive the same fees as are now allowed by law for similar service in the superior court. The solicitor of the Flint circuit shall have the right to prosecute those cases transferred from the superior court to the city court and collect his fees for the same therefrom. The solicitor of the city court of Griffin before entering upon the duties of his office shall give bond payable to the ^{Bond.} Governor and his successors in office, with good security, to be approved by the judge of said court in the sum of one thousand

Griffin, City Court of Established.

dollars (\$1,000.00), conditioned to account for all moneys which may come into his hands as solicitor, and for the faithful discharge of the duties of said office, and shall, in addition to the oath required of all civil officers, take and subscribe the following oath: "I do swear, that I will faithfully and impartially, and without fear, favor or affection, discharge my duties as solicitor of the city court of Griffin, so help me God;" said bond and oath shall be entered on the minutes of said court by the clerk, and may be sued on by any person interested. If for any reason said solicitor shall fail or be disqualified to act in any case the court shall have power to appoint a solicitor *pro tem*.

Oath.

Sec. 6. Be it further enacted by the authority aforesaid, That the clerk of the superior court of Spalding county shall be *ex officio* clerk of said city court. The fees of the clerk of said court shall be the same that are now, or that may hereafter be allowed by law to the clerk of the superior court, except in criminal cases founded upon accusation he shall only receive three dollars (\$3.00), and for his services at the regular terms of said court he shall receive two dollars (\$2.00) per day.

Clerk.

Sec. 7. Be it further enacted by the authority aforesaid, That the sheriff of Spalding county, by virtue of his office, shall be sheriff of the city court of Griffin. He shall have power with the consent of the judge of said court to appoint deputies who shall, before entering upon the duties of the office, give a bond in the sum of two thousand dollars (\$2,000.00), conditioned as the bond of other deputy sheriffs. Said sheriff shall receive the same fee as now allowed, or may be hereafter allowed by law to the sheriff of Spalding county, except as herein provided, and for his attendance at the regular term of said court he shall receive two dollars (\$2.00) per day, to be paid him in the manner as now, or may be hereafter provided for similar service in the superior court of Spalding county.

Sheriff.

Sec. 8. Be it further enacted by the authority aforesaid, That the judge of the city court of Griffin may appoint and require the service of bailiffs and exercise the same authority over the clerk, sheriff, deputy sheriff and bailiffs of said court as may be exercised by the judges of the superior courts over such officers while holding superior court.

Bailiffs.

Sec. 9. Be it further enacted by the authority aforesaid, That the city court of Griffin shall have jurisdiction to try and dispose of all cases of whatever nature, except those cases over which exclusive jurisdiction is vested in other courts by the Constitution and laws of Georgia, except when the amount claimed is less than fifty

Jurisdiction.

(\$50.00) dollars; *provided*, that in all cases brought in said city Civil court for the principal sum of one hundred dollars (\$100.00), or less, the defendant shall not be liable to pay more than justice court cost.

Sec. 10. Be it further enacted by the authority aforesaid, That Criminal. the said city court of Griffin shall have jurisdiction to try and dispose of all criminal cases for all offenses committed in the county of Spalding, where the offender is not subject to loss of life or confinement in the penitentiary.

Sec. 11. Be it further enacted by the authority aforesaid, That Authority of judge and officers. the judge of the city court of Griffin shall have authority to issue criminal warrants, warrants to dispossess tenants holding over, and intruders; to issue distress warrants, to issue attachments and garnishments, to attest deeds and other papers, and to take affidavits anywhere in this State; and the judge, solicitor, clerk and sheriff, and his deputy shall have power to administer all oaths and do all other official acts pertaining to their office respectively as such officers of the superior court may in like cases do. Said judge shall also have power to issue writs of *habeas corpus* and hear and determine the same as the judges of the superior courts may do; to cause testimony to be taken to be used *de bene esse*, and for the purpose of perpetuating testimony within his jurisdiction, and generally do all acts which the judge of the superior courts of this State are authorized and required to do, unless otherwise provided in this Act. And the said judge of the city court of Griffin shall have all power and authority throughout his jurisdiction of judges of the superior courts, except where by law the exclusive power and authority is vested in the judges of the superior courts, and all laws relating to and governing judges of the superior courts shall apply to the judges of the said city court, so far as the same may be applicable, except as herein provided.

Sec. 12. Be it further enacted by the authority aforesaid, That Claims. said court shall have jurisdiction of all claim cases where personal property is levied upon under process from said court, which claims shall be tried in the same manner as claims in the superior courts, except that the pleadings in the case shall make the issue, and it shall be unnecessary for the parties to tender and join issue in claim cases as is the practice in other courts.

Sec. 13. Be it further enacted by the authority aforesaid, That Attachments and garnishments. all laws upon the subject of attachments and garnishments in the superior courts of this State shall apply to the said city court so far as the nature of the city court will admit. The judge of the said city court or any other officer authorized to issue attachments

Griffin, City Court of Established.

may issue attachments returnable to the said city court of Griffin, shall be directed to all and singular the sheriffs and constables of this State, and may be served by them or any sheriff or constable or other officer authorized by law to levy attachments returnable to other courts.

Garnish-
ment pro-
ceedings.

Sec. 14. Be it further enacted by the authority aforesaid, That the garnishment proceedings in said city court shall be conformable to the laws of the State on that subject in the superior court, and when returnable in another county where there is no city court of like character with this, shall be returnable to the superior court of such county.

Contempt.

Sec. 15. Be it further enacted by the authority aforesaid, That the judge of the city court of Griffin shall have the power to enforce his orders, to preserve order, to punish for contempt and to enforce all his judgments as vested by law in the judges of the superior courts of this State.

udge
and jury.

Sec. 16. Be it further enacted by the authority aforesaid, That the judge of the city court shall have power and authority to hear and determine all civil cases of which said court has jurisdiction, and to give judgment therein in term time without a jury; *provided*, that either party in any civil case pending in said court shall be entitled to a trial by jury in said court upon entering a demand therefor, by himself or his attorney, in writing, at any time during the appearance term of said case, in all cases in which said party may be entitled to a trial by jury under the Constitution and laws of this State.

Terms.

Sec. 17. Be it further enacted by the authority aforesaid, That the regular terms of the said city court of Griffin shall be held quarterly, beginning on the first Mondays in March, June, September and December of each year. The judge of said court shall have power to hold said court in session from day to day for a period not longer than four weeks from the beginning of each term.

Practice.

Sec. 18. Be it further enacted by the authority aforesaid, That suits in said city court shall in all respects be conformable to the mode of proceeding in the superior courts, except as hereinafter provided; but the process to writs shall be annexed by the clerk of the said city court, shall be attested in the name of the judge thereof, and be directed to the sheriff and his lawful deputies, and all executions issuing from said court shall be attested in the name of the judge and signed by the clerk and directed to all and singular the sheriffs and their deputies of the State of Georgia.

Sec. 19. Be it further enacted by the authority aforesaid, That ^{Proceed-} in all matters pertaining to service and pleading and practice, the ^{ings.} laws governing the superior courts, where not inconsistent with this Act, and unless otherwise specially provided by this Act, shall be applicable to said city court.

Sec. 20. Be it further enacted by the authority aforesaid, That ^{General} the general laws of the State applicable to the superior courts with ^{law appli-} regard to the commencement of suits, and making parties to cases ^{cable.} pending, defenses, set-offs, affidavits of illegality, arbitration, examination of witnesses by interrogatories or to subpoena witnesses and to require them to attend and give evidence, continuances and amendments, and all matters pertaining to pleading and practice, and all matters of a judicial nature within the jurisdiction of the said city court, shall be applicable to said city court.

Sec. 21. Be it further enacted by the authority aforesaid, That ^{Judgments} all laws regulating the enforcement of judgments of the superior ^{how en-} courts, whether civil or criminal, shall apply to said city court, and ^{forced.} executions shall issue and be levied and sales be had thereunder, under the same rules and laws regulating the same in the superior courts.

Sec. 22. Be it further enacted by the authority aforesaid, That ^{Accusa-} defendants in criminal cases in the city court of Griffin may be ^{tions.} tried upon written accusation, setting forth plainly the offense charged, which accusation shall be signed by the prosecutor or by the prosecuting officer of the said city court.

Sec. 23. Be it further enacted by the authority aforesaid, That ^{Demand} when any criminal case in said city court founded either upon in- ^{for jury.} dictment or presentment by the grand jury, or upon an accusation in said city court, is called for trial, and before the arraignment of the defendant, the judge shall inquire of defendant whether he demands a jury and the response of defendant shall be entered upon said indictment or accusation and signed by the prosecuting officer of said court. If the defendant demands a trial by jury and the court is not sitting at a regular term, the judge shall admit the defendant to bail to appear at the next regular term, or on the defendant's failure to give bond, shall commit him to jail to await his trial at a regular term. If the defendant waives trial by jury, then the judge of said court shall proceed to hear and determine such criminal case without a jury; *provided, always*, that a reasonable time may be granted the State or defendant to procure witnesses.

Sec. 24. Be it further enacted by the authority aforesaid, That ^{Misde-} the judges of the superior court of Spalding county may transfe- ^{meanors} ^{trans-} ^{ferred.}

Griffin, City Court of Established.

any or all presentments or bills of indictment for misdemeanors to said city court for trial, the order so transferring the same to be entered upon the minutes of both courts.

Jurors

Sec. 25. Be it further enacted by the authority aforesaid, That traverse jurors in the city court of Griffin shall be procured in the following manner: The clerk of said court shall provide a city court jury box similar to the traverse jury box of the superior court, and shall write upon separate pieces of paper the names of each person upon the grand jury list, and of each person upon the traverse jury lists of the superior court of said county, and shall place all of said names in the city court jury box, from which shall be drawn twenty-four traverse jurors to serve in said court. All laws in reference to the drawing and summoning and impaneling traverse juries in the superior courts shall apply to the city court of Griffin, and the said city court judge shall have the same power to summons tales jurors for the city court that the judges of the superior courts have for the superior courts. Jurors in said court shall receive the same pay and be paid in the same manner and under the same rules and regulations as jurors in the superior courts are, or may hereafter be paid.

Juries.

Sec. 26. Be it further enacted by the authority aforesaid, That all laws with reference to the qualification, impaneling, challenging and fining jurors now of force or hereafter be enacted, regulating the same in the superior courts, shall apply to and be observed in the said city court, except when inconsistent with the provisions of this Act. In cases where issues are to be tried by jury, the parties shall be entitled to the full panel of twenty-four (24) from which to strike. In civil cases each party shall be entitled to six peremptory challenges, and in criminal cases the defendant shall be entitled to serve seven peremptory challenges and the State five. And all laws and rules governing the selection of juries in the superior court shall apply to the city court of Griffin, unless inconsistent with this Act.

Trials.

Sec. 27. Be it further enacted by the authority aforesaid, That all civil cases pending in said court in which a jury is demanded by either, and all criminal cases in which the defendant shall demand a jury, as provided for in this Act, a trial shall be had in term time under the provisions of this Act, by a jury of twelve men, as in the superior courts. All civil cases in which no jury is demanded shall be tried by the court in term time, and all criminal cases in which no jury is demanded by the defendant shall be tried by the court either in term time or at any time between the

Griffin, City Court of Established.

regular terms of said court, and said court shall be open for the trial of such criminal cases at all times.

Sec. 28. Be it further enacted by the authority aforesaid, That all cases, civil and criminal, now pending and undisposed of in the city court of Spalding county shall be, and the same are hereby transferred to the said city court of Griffin, and the same shall be tried and disposed of as other cases in the city court of Griffin; all dockets, records, books and papers of the city court of Spalding county shall be turned over to be used and disposed of by the city court of Griffin. All final and other processes heretofore issued returnable to the city court of Spalding county shall be returnable to the city court of Griffin. The judge and other officers of the city court of Griffin shall have power and authority to enforce in the name of the city court of Griffin any and all processes in any case from the city court of Spalding county necessary to the final disposition of the same, which for any cause have not been issued and disposed of by the officers of the city court of Spalding county. All *fi. fas.* and processes not satisfied issued from the city court of Spalding county may be enforced and levied by the officers of and in the same manner as similar papers from the city court of Griffin.

Cases transferred from city court of Spalding county.

Sec. 29. Be it further enacted by the authority aforesaid, That the judge of the city court of Griffin shall have the power to grant new trials in all cases, civil and criminal, tried by the jury or by the judge on issues of fact in said court, upon the same terms and conditions and under the same laws and regulations in every respect governing the granting of new trials in the superior courts, and all rules of pleading, practice and procedure governing motions for new trial, and carrying cases to the supreme court by bill of exceptions from the superior courts, shall apply to and govern the same in the said city court.

New trials.

Sec. 30. Be it further enacted by the authority aforesaid, That a writ of error direct from the city of Griffin to the supreme court of this State shall lie upon the bill of exceptions under the same rule and regulation as govern and control the certifying, serving, filing and transmitting bills of exceptions in and from the superior courts of this State before the supreme court.

Writs of error.

Sec. 31. Be it further enacted by the authority aforesaid, That whenever the judge of said court is from any cause disqualified from presiding in any case, and the judge of the superior court on account of absence or any other cause shall fail to preside in said courts as provided in the Constitution of this State, then upon consent of the parties or upon their failure or refusal to agree, said

Disqualifications of judge.

Griffin, City Court of Established.

case may be tried by a judge *pro hac vice*, selected in the same manner as now provided for in the superior court.

Insolvent
costs.

Sec. 32. Be it further enacted by the authority aforesaid, That at or within ten days after each regular term of said city court, and oftener if he shall deem it proper to do so, the judge of said court shall distribute the fines and forfeitures arising from cases tried in said court, as follows: fines and forfeitures arising in cases originating in this court shall be prorated between the solicitor, the clerk, the sheriff of said courts and the justice of the peace and constables on their bills for insolvent cost. Fines and forfeitures arising from cases transferred from the superior court to the said city court shall be prorated among the solicitor, sheriff and clerk of the city court, and the solicitor, sheriff and clerk of the superior court and the justices of the peace and constables upon their bills for insolvent cost in transferred cases. If at any time there shall be a surplus of the insolvent funds arising from the cases originating in the city court after paying all insolvent cost on cases originating in the city court, the same shall be applied to insolvent cost in cases originating in the city court. The judge of the city court before paying insolvent bills shall approve the same and have them entered on the minutes of said court, and such bills for insolvent cost shall be a lien on funds arising from fines and forfeitures in said court superior to all other liens.

Books, stationery,
etc.

Sec. 33. Be it further enacted by the authority aforesaid, That the county commissioners of Spalding county shall provide the necessary books for keeping the dockets, minutes and records of said city court and all other books and stationery necessary to run said court.

Repealing
clause.

Sec. 34. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 14, 1897.

Forsyth, City Court of Est. blished.

FORSYTH, CITY COURT OF ESTABLISHED.

No. 251.

An Act to establish the city court of Forsyth, in Monroe county; to define its jurisdiction and powers; to provide for the temporary appointment of a judge and other officers thereof, and to define their powers and duties; to provide for pleading and practice and new trials therein, and writs of error therefrom, and to provide for the election of the judge and clerk and solicitor of said court by the duly qualified voters of said county, and to provide for the manner, time and place of holding said election.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act the city court of Forsyth is hereby established; to be organized, located, and held in the city of Forsyth, in Monroe county, Georgia, with jurisdiction, civil and criminal, over the entire county of Monroe. City court of Forsyth.

Sec. 2. Be it further enacted by the authority aforesaid, That said city court of Forsyth shall have jurisdiction to try and dispose of all cases of whatever nature, except those cases over which exclusive jurisdiction is vested in other courts by the Constitution of Georgia; *provided*, that in all cases brought in said city court for the principal sum of one hundred dollars or less, the defendant shall not be liable to pay more than justice court costs. Jurisdiction, civil.

Sec. 3. Be it further enacted by the authority aforesaid, That said city court of Forsyth shall have jurisdiction to try and dispose of all criminal cases for all offenses committed in the county of Monroe, where the offender is not subjected to loss of life or confinement in the penitentiary. criminal.

Sec. 4. Be it further enacted by the authority aforesaid, That there shall be a judge of said city court of Forsyth, who shall be appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall be two years, but the present appointment shall only hold until January 1st, 1899; and all vacancies in said office shall be filled by appointment of the Governor. if said vacancy should occur at any time after such election, but said appointment to last until the first day of January succeeding the next general election; said temporary appointment shall be subject to the approval of the Senate; *provided*, that the judge Judge.

Forsyth, City Court of Established.

first appointed under this Act shall, if the Senate be not in session or shall fail to act, hold and fill said office, subject to the approval of the Senate at the next session thereafter. The judge of said city court of Forsyth shall receive a salary of \$600.00 per annum, which shall not be increased or diminished during his term of office, and shall be paid monthly out of the treasury of the county of Monroe.

Qualifica-
tions.

Sec. 5. Be it further enacted by the authority aforesaid, That any person who shall be appointed temporarily by the Governor and afterwards be elected by the people as judge of said city court, must, at the time of said appointment or election, be at least twenty-five years of age; he must also have been a resident of Monroe county at least four years immediately preceding his appointment or election, and must also have been a practicing attorney at law at least four years before his appointment or election, and before entering upon the discharge of his duties he shall take and subscribe the following oath: "I solemnly swear that I will administer justice, without respect to persons, and do equal right to poor and rich, and that I will faithfully and impartially discharge and perform all the duties which may be required of me as judge of the city court of Forsyth, according to the best of my ability and understanding, according to the laws and Constitution of this State and of the United States, so help me God." Said judge shall have the right to practice law in any of the courts of this State, except his own court, but he shall not be allowed to take any criminal case over which said city court has jurisdiction.

Oath.

Solicitor.

Sec. 6. Be it further enacted by the authority aforesaid, That there shall be a solicitor of said city court of Forsyth, to be temporarily appointed by the judge thereof, said appointment to hold until January 1st, 1899, whose term of office shall be two years from the time of January 1st, 1899. The fees of said solicitor shall be as follows: For each accusation drawn in said city court \$5.00, and his fees for prosecution and his fees in other cases shall be such as are now allowed solicitors-general of the State; for representing the State in each case carried to the Supreme Court from said city court, \$15.00; said solicitor shall for his services in the Supreme Court, to be paid out of the treasury of the State, by warrant drawn by the Governor, upon the certificate of the clerk of the Supreme Court as to the performance of such services, and the certificate of the clerk of the city court of the insolvency or acquittal of the defendant. Said solicitor, before entering upon the duties of his office, shall give bond with good security in the sum

Forsyth, City Court of Established.

of \$500.00, conditioned for the faithful discharge of the duties of his office, and shall in addition to the oath required for all civil officers, take and subscribe the following: "I do swear that I will Oath faithfully and impartially, and without fear, favor or affection, discharge my duties as solicitor of the city court of Forsyth, so help me God." Said bond shall be payable to the Governor, shall be approved by the judge of said city court, and shall, together with said oath, be entered on the minutes of said court by the clerk, and may be sued on by any person interested. If for any reason said solicitor shall fail or be disqualified to act in any case, the court shall have power to appoint a solicitor *pro tem*.

Sec. 7. Be it further enacted by the authority aforesaid, That Clerk. there shall be a clerk of said court, who shall be temporarily appointed by the judge thereof, and shall hold his office for the term of two years; that the clerk appointed shall hold said office until January 1st, 1899; that the term of said clerk shall be two years from January 1st, 1899, and should a vacancy occur then his successor shall be appointed by the judge of said court, whose term of office shall last until the first day of January succeeding the next general election. Before entering upon the discharge of his duties he shall take a similar oath and give a similar bond to that required by this Act for the solicitor of said court, and the same shall be entered upon the minutes of said court. The fees of the Fees. clerk of said court shall be the same as are now or may hereafter be allowed by law to the clerk of the superior court, except in criminal cases founded on an accusation in said city court, he shall only receive three dollars, and for his services at the regular term of said court he shall receive two dollars per day.

Sec. 8. Be it further enacted by the authority aforesaid, That Sheriff. the sheriff of Monroe county shall, by virtue of his office, be sheriff of the city court of Forsyth, and in his official connection with said court shall be known as the sheriff of the city court of Forsyth. Before entering upon the discharge of the duties of his office shall execute a bond with good security in the sum of five thousand dollars for the faithful discharge of the duties of his office. He shall have power, with the consent of the judge of said court, to appoint a deputy, who shall, before entering upon the discharge of his duties, give a bond in the sum of two thousand dollars, conditioned as the bonds of other deputy sheriffs. Said sheriff shall receive the Fees. same fees as are now or may be hereafter allowed by law to the sheriff of Monroe county, and for his attendance at the regular terms of said city court he shall receive the same pay, to be paid

him in the same manner as now, or as may hereafter be allowed him for similar services in the superior court of Monroe county.

Judge.
authority
of.

Sec. 9. Be it further enacted by the authority aforesaid, That the judge of the city court of Forsyth is empowered to exercise the same authority over the clerk and sheriff and deputy sheriff of said court as may be exercised by the judges of the superior courts over the clerks, sheriffs, and deputies in the counties of Georgia.

Powers of
judge and
officers.

Sec. 10. Be it further enacted by the authority aforesaid, That the judge of the city court of Forsyth shall have authority to issue criminal warrants, warrants to dispossess tenants holding over, and intruders; to issue distress warrants; to issue attachments and garnishments; to attest deeds and other papers, and take affidavits anywhere in the State; and said judge, solicitor, clerk and sheriff, and his deputy shall have power to administer all oaths, and do all other official acts pertaining to their offices respectively, as the judge and other officers of the superior court may in like cases do. Said judge shall also have the power to issue writs of *habeas corpus*, and hear and determine the same as judges of the superior courts may do; to cause testimony to be taken to be used *de bene esse*, and for the purpose of perpetuating testimony within his jurisdiction, and generally do all acts which the judges of the county courts of this State are authorized to do, unless otherwise provided in this Act; and said judge of the city court of Forsyth shall have all the powers and authority throughout his jurisdiction of the judges of the superior courts, except where by law exclusive power and authority is vested in the judges of the superior courts; and all laws relating to and governing judges of the superior courts shall apply to the judge of said city court, so far as the same may be applicable, except as herein provided.

Terms.

Sec. 11. Be it further enacted by the authority aforesaid, That the regular terms of said city court of Forsyth shall be held quarterly, beginning on the second Mondays in January, April, July and October of each year. The judge of said court shall have power to hold said court in session from day to day for a period not longer than four weeks from the beginning of each term, and said judge shall, on the second Monday in each month, open his court for the purpose of hearing all demands in criminal cases, and to do any and all acts necessary to the expedition of the business in said court.

Practice.

Sec. 12. Be it further enacted by the authority aforesaid, That suits in said city court shall in all respects be conformable to the mode of proceedings in the superior courts, except as hereinafter provided; but the process to writs shall be annexed by the clerk

Forsyth, City Court of Established.

of said city court, shall be attested in the name of the judge thereof, and be directed to and served by the sheriff of the city court of Forsyth, or his deputy thereof, or the coroner of said county, and all executions issuing from said court shall be attested in the name of the judge and signed by the clerk, and directed to the sheriff or his deputy of the city court of Forsyth, and to all and singular the sheriffs or their deputies and the coroners of the State of Georgia.

Sec. 13. Be it further enacted by the authority aforesaid, That in all matters pertaining to service and pleading and practice, the laws governing the superior court, where not inconsistent with this Act, and unless otherwise specially provided by this Act, shall be applicable to said city court. General law applicable.

Sec. 14. Be it further enacted by the authority aforesaid, That the judge of said city court shall have power and authority to hear and determine all civil causes of which said court has jurisdiction, and to give judgment therein; *provided*, that either party in any civil cause pending in said court shall be entitled to a trial by jury in said court upon entering a demand therefor, by himself or his attorney, in writing, on or before the call of the appearance docket at the appearance term of said case, in all cases in which such party may be entitled to a trial by jury under the Constitution and laws of this State. Judge and jury.

Sec. 15. Be it further enacted by the authority aforesaid, That said court shall have jurisdiction of all claim cases where personal property is levied under process from said court, which claims shall be tried in the same manner as claims in the superior court. Claims.

Sec. 16. Be it further enacted by the authority aforesaid, That all laws upon the subject of attachments and garnishments in the superior courts of this State shall apply to said city court, so far as the nature of the city court will admit. The judge of said city court, or any other officer authorized by law to issue attachments, may issue attachments returnable to said city court under the same laws that govern the issuing of attachments in the superior courts, and all attachments returnable to the city court of Forsyth shall be directed to all and singular the sheriffs and constables of this State, and may be served by the sheriff of the city court, or his deputy, or any sheriff or constable or other officer authorized by law to levy attachments returnable to other courts. Attachments and garnishments.

Sec. 17. Be it further enacted by the authority aforesaid, That garnishment proceedings in said city court shall be conformable to the laws of the State on the subject in the superior court. General law applicable.

Forsyth, City Court of Established.

Parties. Sec. 18. Be it further enacted by the authority aforesaid, That all proceedings to make parties in any cause in the city court shall conform to the laws on that subject in the superior court.

Practice Sec. 19. Be it further enacted by the authority aforesaid, That the general laws of this State with regard to the commencement of suits in the superior courts, defenses, sets-off, affidavits of illegality, arbitration, examination of witnesses by interrogatories or under subpoena, witnesses and their attendance, continuances and all other matters pertaining to pleading and practice, and all other matters of a judicial nature within the jurisdiction of said city court shall be applicable to said city court.

Court of record. Sec. 20. Be it further enacted by the authority aforesaid, That said city court of Forsyth shall be a court of record, and shall have a seal, and the minutes, records, dockets and other books and files that are required by law to be kept for the superior court, shall be kept in and for said city court, and in the same manner, and all laws applicable to the duties of the clerk and sheriff in the superior court shall apply to them in said city court, except where they conflict with the provisions of this Act.

Judgments, enforcement of. Sec. 21. Be it further enacted by the authority aforesaid, That all laws regulating the enforcement of judgments of the superior courts, whether civil or criminal, shall apply to said city court, and executions shall issue and be levied and sales be had thereunder under the same rules and laws regulating the same in the superior courts.

Contempt. Sec. 22. Be it further enacted by the authority aforesaid, That the judge of the city court of Forsyth shall have the power to enforce his orders, to preserve order, punish for contempt, and to enforce all his judgments, as is vested by law in the judge of the superior courts of this State.

Jurors. Sec. 23. Be it further enacted by the authority aforesaid, That traverse jurors in the city court of Forsyth shall be procured in the following manner: The clerk of said court shall provide a city court jury box, similar to the traverse jury box of the superior court, and shall write upon separate pieces of paper the names of each person upon the grand jury list of the superior court, and of each person upon the traverse jury lists of the superior court, and shall place said names of all persons on said superior court lists in the city court jury box, from which shall be drawn traverse juries to serve in the city court. All laws with reference to the drawing and summoning and impaneling traverse jurors in the superior courts shall apply to the city court of Forsyth, and said city court

judge shall have the same power to summon tales jurors for the city court that the judges of the superior courts have for the superior courts. Jurors in said city court shall receive the same pay and be paid in the same manner and under the same rules and regulations as jurors in the superior courts, or may hereafter be paid.

Sec. 24. Be it further enacted by the authority aforesaid, That ^{Juries.} all laws with reference to the qualification, impaneling, challenging and fining of jurors now of force, or hereafter to be enacted, regulating the same in the superior courts, shall apply to and be observed in said city courts, except when inconsistent with the provisions of this Act. In all cases where issues are to be tried by a jury, the parties shall be entitled to a full panel of twenty-four from which to strike. In civil cases each party shall be entitled to six peremptory challenges, and in criminal cases the defendant shall be entitled to seven peremptory challenges and the State five, and all laws and rules governing the selection of juries in the superior courts shall apply to the city court of Forsyth, unless inconsistent with this Act.

Sec. 25. Be it further enacted by the authority aforesaid, That ^{Trials.} all civil cases pending in said court in which a jury is demanded by either party, as provided in this Act, and all criminal cases in which the defendant shall demand a jury, as provided in this Act, a jury trial shall be had in term time under the provisions of this Act by a jury of twelve men, as in the superior courts. All civil cases in which no jury is demanded by either party shall be tried by the court in term time, and all criminal cases in which no jury is demanded by the defendant shall be tried by the court either in term time or at any time between the regular terms of said court, and said court shall be open for the trial of such criminal cases at all times.

Sec. 26. Be it further enacted by the authority aforesaid, That ^{Accusations.} defendants in criminal cases in said city court of Forsyth may be tried on written accusation setting forth plainly the offense charged, which accusation shall be signed by the prosecutor and by the prosecuting officer of said city court.

Sec. 27. Be it further enacted by the authority aforesaid, That ^{Criminal cases.} when any criminal case in the city court, founded either upon indictment or presentment by a grand jury, or upon an accusation in said city court, is called for trial, and before the arraignment of the defendant, the judge shall inquire of the defendant whether he demands a trial by jury, and the response of the defendant shall be entered on said indictment or accusation and signed by the pros-

ecuting officer in said court. If the defendant demands a trial by jury and the said court is not sitting at a regular term the judge shall admit the defendant to bail to appear at the next regular term, or on the defendant's failure to give bond, shall commit him to jail to await his trial at a regular term. If the defendant waives trial by jury then the judge of said court shall proceed and determine such criminal cause without a jury; *provided, always*, that a reasonable time may be granted the State or defendant to procure witnesses.

Transfers
from supe-
rior court.

Sec. 28. Be it further enacted by the authority aforesaid, That the judges of the superior court of Monroe county must transfer any or all presentments or bills of indictment for misdemeanors to said city court for trial, the order so transmitting the same to be entered on the minutes of both courts.

Bailiffs.

Sec. 29. Be it further enacted by the authority aforesaid, That the judge of said court shall have the same power to appoint bailiffs at each term of the court that judges of the superior court have.

Writ of
error.

Sec. 30. Be it further enacted by the authority aforesaid, That a writ of error direct from said city court of Forsyth to the supreme court of this State shall lie upon a bill of exceptions filed under the same rules and regulations as govern and control the filing of bills of exceptions and the issuing of writs of error in the superior court of this State.

Transfers
from city
court of
Monroe
county.

Sec. 31. Be it further enacted by the authority aforesaid, That all cases, civil and criminal, now pending and undisposed of in the city court of Monroe county shall be, and the same are, hereby transferred to said city court of Forsyth, and the same shall be tried and disposed of as other cases in the city court of Forsyth; all dockets, records, books and papers of the city court of Monroe county shall be turned over to be used and disposed of by the city court of Forsyth. All final and other processes heretofore issued returnable to the city court of Monroe county shall be returned to the city court of Forsyth. The judge and the other officers of the city court of Forsyth shall have power to issue and enforce in the name of the city court of Forsyth any and all processes in any case from the city court of Monroe county necessary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of the city court of Monroe county; all *fi. fas.* and final processes not satisfied issued from the city court of Monroe county may be levied and enforced by the officers of and in the same manner as similar papers from the city court of Forsyth; *provided*, that all suits and all processes, whether mesne or

Forsyth, City Court of Established.

final, returnable to the December, 1897, term of the city court of Monroe county be, and the same are, hereby made returnable to the January, 1898, term of the city court of Forsyth, and in all cases in the city court of Monroe county where the judgment term would be the December, 1897, term, the judgment term in the city court of Forsyth shall be the January term, 1898.

Sec. 32. Be it further enacted by the authority aforesaid, That the judge of said city court of Forsyth shall have power to grant new trials in all cases, civil and criminal, in said court upon the same terms and conditions and under the same laws and regulations in every respect governing the granting of new trials in the superior courts; all rules of pleading, practice and procedure governing motions for new trials in the superior courts shall apply to and govern the same in said city court.

Sec. 33. Be it further enacted by the authority aforesaid, That ^{Terms.} the first term of said court to which a case is brought shall be the appearance or return term, and the second term shall be the trial or judgment term, and all the laws, rules and practice in the superior courts with reference to the terms thereof shall apply in the city court of Forsyth, unless in conflict with this Act, or otherwise provided herein.

Sec. 34. Be it further enacted, That whenever the judge of said city court is from any cause disqualified from presiding in any case, and the judge of the superior court on account of absence or other cause shall fail to preside in said court, as provided in the Constitution of this State, then upon the consent of the parties or upon their failure or refusal to agree, said cause may be tried by a judge *pro hac vice*, selected in the same manner as now provided for in the superior courts. ^{Disqualification of judge.}

Sec. 35. Be it further enacted, That all able-bodied male convicts from said city court who are taken charge of by the county commissioners and by them put to work on the public roads of said county, the said county commissioners shall pay into the county treasury \$2.00 for each month for which the convict was sentenced; that for all other convicts placed on said roads they shall pay into the county treasury such sum as may seem to them reasonable and right. Said money shall be by the treasurer of the county paid to the proper officers on their insolvent lists, according to the priorities established by law. The clerk of said city court shall keep two lists, one of the criminal cases transferred from the superior court, and the other of criminal cases originating in said city court, which lists shall show the names of the defendants, the ^{Hire of convicts.}

disposition of the cases, the amount of costs to which each officer is entitled, the amount of fine and the amount of same paid to each officer, and on the second Monday of each month he shall make a report to the judge, and if the lists are found correct and the money appropriated according to law, the judge shall approve said lists; if incorrect, he shall correct and approve them. When said lists have been approved they shall be recorded on the minutes of said court. In the event the present system of road working in said county is abolished, then the convicts from said city court shall be disposed of as is or may be provided by law.

Commit-
ments.

Sec. 36. Be it further enacted, That it shall be the duty of all the justices of the peace and notaries public of Monroe county to bind over to said city court all the persons charged with offenses committed within the limits of Monroe county over which said city court has jurisdiction, to answer for said offenses. That at the time of said commitment the justice or notary public so committing shall be required to issue subpoenas to all the witnesses sworn at said commitment, requiring them to be and appear at the city court of Forsyth on the first second Monday next succeeding the commitment trial, and they shall make out and send up with the commitment a correct bill of the costs in the justice court, and the justice or notary who fails to comply with this requirement shall forfeit his entire cost in said case.

Jury.

No indict-
ment.

Sec. 37. Be it further enacted, That upon the call of any criminal case, the defendant shall be allowed to demand a jury in said case, but in no event shall he or she be allowed to demand an indictment.

Court
house,
records,
etc.

Sec. 38. Be it further enacted, That the commissioners of roads and revenues of said county of Monroe shall provide a suitable place for the holding of said court, and provide the necessary books for keeping the dockets, minutes and records of said city court, and all other books and stationery necessary to run said court.

Fees of
solicitor-
general.

Sec. 39. Be it further enacted, That in misdemeanor cases transferred from the superior court to the city court of Forsyth, the cost of the solicitor-general of the circuit shall be the same as now, or may hereafter be fixed by law, and the solicitor-general of the circuit embracing the county of Monroe shall have the privilege of prosecuting all cases transferred from the city court of Monroe county and the superior court, and the fees, fines and forfeitures in said cases shall be, after paying the costs of the particular case in which the funds are raised, be paid to the solicitor-general, the sheriff and the clerk of the city and superior courts and the justices and constables, as is now, or may hereafter be, provided by law.

Griffin, Criminal Court for Established.

Sec. 40. Be it further enacted, That the judge, solicitor and clerk of said court shall be elected every two years at the same election, by the same electors and under the same regulations and restrictions as members of the legislature are elected. The result shall be declared as in case of other county officers, and in case of contest the method shall be as is provided by law for contests in case of other county officers. The judge, solicitor and clerk of said court shall be commissioned by the Governor. Election of judge and clerk.

Sec. 41. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 16, 1897.

GRIFFIN, CRIMINAL COURT FOR ESTABLISHED.

No. 278.

An Act to amend an Act entitled "An Act to amend the charter of the city of Griffin so as to establish a city court in said city; to define the jurisdiction of the same, and for other purposes," approved December 3d, 1880, and amendment to said Act approved September 14th, 1883, and amendment to said Act approved December 15th, 1892, so as to change the name of said court; to fix and establish the jurisdiction of the said court; to designate the duties and powers of the judge of said court, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, that the Act amending the charter of the city of Griffin, approved December 3d, 1880, and the amendments thereto, approved September 13th, 1883, and December 15th, 1892, be amended by striking out in section 1 of the Act approved December 3d, 1880, and in the fifth line of said section, the words "city court of Griffin," and wherever in said section and amendments to the same the words "city court of Griffin" occurs, and insert in lieu thereof the words "criminal court of Griffin; and amend section 7 of said Act by striking out the words "fine and imprisonment as prescribed in section 4310 of the Code of this State," and insert in lieu thereof the words "impose the penalties prescribed in section 1039, volume 3 of the Code of 1895," and amend section 2 of said Act by inserting before the word "three" Griffin.
Criminal court for.

Griffin, Criminal Court for Established.

the words "not more than," and after word "dollars" insert the words "to be fixed by the mayor and council at the time of election;" and amend section 10 of said Act by striking out the word "criminal," and also by striking out "310, 302, 309," and insert in lieu thereof "763, 764, 765, 766" of volume 3, Code of 1895, so that said 1, 2, 4, 6, 7 and 10 of the Act approved December 3d, 1880, when amended, shall read as follows:

Sec. 2. Be it further enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act the charter of the city of Griffin be so amended as to authorize the establishment of a court in said city to be known as the criminal court of Griffin. Judge of. The judge of said court shall hold his office for the term of two years, and until his successor is elected and qualified, and shall be How elected. elected by ballot by the mayor and council of said city at the last meeting in November, 1880, or as soon thereafter as practicable, and at the same meeting bi-annually thereafter. The judge shall be commissioned by the Governor, on proof of his election, under the hand of clerk of council and seal of the city of Griffin.

Sec. 3. Be it further enacted, That the judge of said court shall be an attorney at law, of good standing, in actual practice, and shall receive for his services an annual salary of not more than Qualifications of. three hundred dollars (\$300.00), to be fixed by the mayor and Salary. council at the time of his election, which shall not be increased or diminished during his term of office, which salary shall be paid monthly out of the city treasury. Before entering on the duties of his office, said judge shall take and subscribe an oath faithfully and impartially to discharge said duties to the best of his skill and ability, agreeable to the ordinances of said city, the laws and Constitution of this State and the Constitution of the United States, and to support said Constitution, which shall be filed in the executive department. That the clerk of the mayor and council of said Clerk of. city shall be *ex officio* clerk of said court, and shall perform such duties and receive such fees and compensation as the mayor and Officers of. council may direct. The marshal and policemen of said city shall be officers of said court, and shall execute all processes issuing therefrom.

Sec. 4. Be it further enacted, That the said criminal court shall have exclusive jurisdiction of all violations of the ordinances of the city of Griffin, and all the duties and powers conferred upon the mayor as police judge of said city by the charter and ordinances of said city, are hereby vested exclusively in and delegated to the said criminal court. In the case of sickness, absence from the city,

Griffin, Criminal Court for Established.

or disqualification of the judge of the criminal court of Griffin, the mayor of the city may preside in said court for the purpose stated in this section.

Sec. 5. Be it further enacted, That the judge of the criminal court of Griffin shall have power to compel the attendance of witnesses; to issue any writ, notice, order or process that may be necessary to dispose of the matter pertaining to his jurisdiction; to establish rules of practice in said court not inconsistent with the ordinances of the city or laws of the State, to punish for contempt by fine not exceeding one hundred dollars (\$100.00) and imprisonment not exceeding twenty days. Said judge of the criminal court of Griffin shall have all the powers of a justice of the peace of this State as to issuing warrants for criminal offenses, making preliminary examinations under warrants and committing or binding over the accused to the proper court; said jurisdiction shall extend to the county of Spalding. Powers
of judge.

Sec. 6. Be it further enacted, That the said criminal court of Griffin shall have jurisdiction for the trial of the following cases: Offenses against the criminal laws of this State when the offenses are committed within the limits of said city; simple larceny and larceny from the house, when the property does not exceed fifty dollars (\$50.00) in value; assault and battery, vagrancy, riots and carrying concealed weapons; and all other offenses which are misdemeanors under the laws of Georgia, which may be committed within the corporate limits of the city of Griffin, and upon conviction the judge of said court shall have jurisdiction to impose the penalties as prescribed in section 1039, volume 3, of the Code of 1895 of this State. Juris-
diction.

Sec. 7. Be it further enacted, That all offenses named in the foregoing section shall be tried before said judge upon written accusation founded upon affidavit; said affidavit shall be signed by the prosecutor, and shall distinctly set forth the nature of the offense, the time of the same, and by whom committed. There shall be no trial by jury in said court, but in all cases of offense against the laws of this State where the accused shall demand a jury, it shall be the duty of the said judge to send the accused before some other court having jurisdiction of the offense charged, where such trial may be had, or bind the offender over for trial before said court. Accusa-
tions.

Jury.

Sec. 8. Be it further enacted, That in all cases the right of *certiorari* and all proceedings thereon shall be as in sections 763, 764, 765 and 766 of the volume 3 of the Code of 1895 of this State. Certiorari.

Sec. 9. Be it further enacted, That section 5 of said Act, ap-

Gwinnett, Jurisdiction of City Court Extended.

Repealing
clause.

proved December 3d, 1880, which is in the following words, to wit: "That it shall be the duty of the city judge, without additional compensation, to act as city attorney and counsel for the mayor and council of said city in all the courts of this State, except said city court, and as said attorney he shall perform such other duties as the mayor and council may direct," be, and the same is, hereby repealed, and all other laws in conflict with this are hereby repealed.
Approved December 16, 1897.

GWINNETT, JURISDICTION OF CITY COURT EXTENDED.

No. 265.

An Act to amend an Act entitled "An Act to establish the city court of Gwinnett in and for the county of Gwinnett; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof; to define their powers and duties, and for other purposes," approved December 14th 1895, by inserting in section 1 of said Act between the word "created" and the word "with" the following words, to wit: "to be located in the city of Lawrenceville," so that when amended the same shall read as follows: Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That a city court of Gwinnett is hereby established and created, to be located in the city of Lawrenceville, with civil and criminal jurisdiction over the whole county of Gwinnett, this Act to take effect on the passage thereof.

City court
of Gwin-
nett, juris-
diction
extended.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That an Act entitled an Act to establish the city court of Gwinnett, in and for the county of Gwinnett; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof; to define their powers and duties, and for other purposes, approved December 14th, 1895, be, and the same is, hereby amended by inserting in section 1 of said Act, between the word "created" and the word "with" the following words to wit: "to be located in the city of Lawrenceville," so that when amended the same shall read as follows: Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That a city court of Gwinnett county is

Jefferson, City Court of Established.

hereby established and created, to be located in the city of Lawrenceville, with civil and criminal jurisdiction over the whole county of Gwinnett; this Act to take effect on the passage thereof.

Sec. 2. And be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 16, 1897.

JEFFERSON, CITY COURT OF ESTABLISHED.

No. 151.

An Act to establish the city court of Jefferson, in Jackson county; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof, and to define their powers and duties; to provide for pleading and practice and new trials therein, and writs of errors therefrom, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the city court of Jefferson, located in the city of Jefferson, is hereby established and created with civil and criminal jurisdiction over the whole county of Jackson; said city court to be held and located in the city of Jefferson, said county; this Act to take effect on the passage thereof. City court of Jefferson.

Sec. 2. Be it further enacted, That said city court of Jefferson shall have jurisdiction to try and dispose of all cases of whatsoever nature, but in all suits brought in said court in sums of one hundred dollars, or less, the plaintiff shall only receive justice court costs, except in those cases over which exclusive jurisdiction is vested in the superior courts by the Constitution and laws of Georgia; *always provided*, that said city court of Jefferson shall not have power to correct errors in inferior jurisdiction by writ of *certiorari*; and said city court shall not have power to issue writs of *mandamus* or prohibition or *quo warranto* or foreclosure mortgages on real estate. Jurisdiction.

Sec. 3. Be it further enacted, That said city court of Jefferson shall have jurisdiction to try and dispose of all criminal cases when the offender is not subject to loss of life or confinement in the penitentiary, committed in the county of Jackson. Criminal.

Jefferson, City Court of Established.

Judge.

Sec. 4. Be it further enacted, That there shall be a judge of said city court of Jefferson who shall be appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall be four years; and all vacancies in the office of judge shall be filled by appointment of the Governor for the residue of the unexpired term; such appointment being subject to the approval of the Senate which may be then in session, or if the Senate be not in session at the time of such appointment, then subject to the approval of the Senate at its next session thereafter. The judge of said city court of Jefferson shall receive a salary of six hundred dollars (\$600.00) per annum, which shall not be increased or diminished during his term of office, except to apply to a subsequent term, and shall be paid monthly out of the treasury of the county of Jackson by the treasurer or the persons charged by law with paying out the moneys of Jackson county. Said judge may practice law in any court except his own; *provided*, that the last grand jury of the county of Jackson preceding the expiration of the judge's term of office in said county may increase the salary of the judge next to be appointed; *provided*, said change of salary shall not affect any incumbent then in office.

Salary.

Qualifications.

Oath.

Sec. 5. Be it further enacted, That any person who shall be appointed judge of said court, must at the time of his appointment be at least twenty-seven years of age; he must also have been a resident of Jackson county at least four years immediately preceding his appointment, and he must have been a practicing attorney at law five years before his appointment, and he shall, before entering upon the discharge of his duties of office, take and subscribe the following oath: "I solemnly swear that I will administer justice, without respect to persons, and do equal right to the poor and the rich, and that I will faithfully and impartially discharge and perform all the duties which may be required of me as judge of the city court of Jefferson, in Jackson county, this State, according to the best of my ability and understanding, agreeable to the law and Constitution of this State and the Constitution of the United States, so help me God;" and said oath shall immediately thereafter be forwarded to the Governor and filed in the executive department; said judge shall have authority to issue criminal warrants, warrants to dispossess tenants holding over, intruders, distress warrants, to administer oaths, attest deeds, and to issue attachments, and generally to do all acts which the judges of the county courts of this State are authorized to do, unless otherwise provided in this Act.

Sec. 6. Be it further enacted, That the solicitor-general of the ^{Solicitor.} western circuit shall prosecute all offenses cognizant before said city court of Jefferson; but in his absence from said court the judge shall have power to appoint a solicitor-general *pro tem.*, who shall receive the same fees as allowed by this Act to the solicitor-general in cases conducted by him. The fees of the ^{Fees.} solicitor-general in said city court shall be as follows: for every case prosecuted to trial or plea of guilty, which originated by accusation in said city court, \$10.00; for every indictment prosecuted to trial or plea of guilty, \$5.00; for every case for the violation of the gambling laws of this State, \$25.00; for each case representing the State in each case carried to the supreme court from said city court, \$15.00; for all services for which this Act does not provide, he shall receive the same fees as are now allowed by law for similar services in the superior court.

Sec. 7. Be it further enacted, That there shall be a clerk of said ^{Clerk.} city court, who shall be appointed by the judge thereof; said clerk shall, before entering upon the duties of his office, take and subscribe an oath to faithfully and impartially discharge the duties thereof, which oath shall be entered upon the book or minutes of said court; he shall, also, before entering upon the duties of his office execute a bond with good security in the sum of one thousand dollars for the faithful discharge of the duties of his office; he shall hold his office during the term of two years.

Sec. 8. Be it further enacted, That the sheriff of Jackson county ^{Sheriff.} shall be *ex officio* sheriff of the city court of Jefferson, and in his official connection with said city court, he shall be known as the sheriff of the city court of Jefferson; before entering upon the discharge of the duties of his office, he shall execute a bond with good security in the sum of five thousand (\$5,000.00) dollars for the faithful discharge of the duties of his office; he shall have power to appoint a deputy or deputies with the consent of said judge; all the duties and liabilities attached to the office of clerk of the superior court and to the office of sheriff, shall be attached to the office of clerk of the city court of Jefferson, and to the office of sheriff of the city court of Jefferson, respectively, and the judge of said city court of Jefferson is empowered to exercise the same authority over said clerk and sheriff, and his deputy or deputies, as is exercised by the judges of the superior courts over the clerk of the superior courts and sheriffs of the counties of Georgia.

Sec. 9. Be it further enacted, That the fees of the clerk and ^{Fees.} sheriff of said city court shall be the same as are now, or may hereafter be, allowed by law to the clerk of the superior court and

Jefferson, City Court of Established.

the sheriff of the county, except in criminal cases, where no indictment is demanded or allowed, and has been found, the clerk shall only receive three dollars, and for his attendance at the regular terms of said court, the sheriff shall receive the same pay, to be paid in the same manner as now allowed him for similar services in the superior court of Jackson county.

Habeas corpus.

Sec. 10. Be it further enacted, That the judge of said city court shall have power to issue writs of *habeas corpus*, and to hear and dispose of the same in the same way and with the same power as the judge of the superior court.

Terms.

Sec. 11. Be it further enacted, That the terms of said city court of Jefferson shall be held quarterly, beginning on the first Mondays in January, April, July and October of every year. The judge shall have power to hold said court in session from day to day, or to adjourn the same over to such time as in his discretion the exigencies of the business may require. The judge shall have power to hold special sessions as the exigencies may require. The judge shall have power to hold special sessions as the exigencies may require for the trial and disposition of criminal cases, first giving the prosecutor and defendant reasonable time to prepare for trial; *provided*, that if this act goes into effect and becomes a law by the first day of December, 1897, that in that event the first term of said city court of Jefferson shall be held on the first Monday in December, 1897, and that after the adjournment of said term, said city court of Jefferson shall be held quarterly, beginning on the first Mondays of January, April, July and October of each year as aforesaid; *provided, further*, that all parties, witnesses and jurors required and summoned to appear at the December term, 1897, of the city court of Jackson county shall appear and be competent to serve and act at the first term of said city court of Jefferson established under this Act.

Practice.

Sec. 12. Be it further enacted, That suits in said court shall in all respects be conformable to the mode of proceedings in the superior court, except as hereinafter provided, but the process or writs shall be annexed by the clerk of said court, be attested in the name of the judge thereof, and be directed to and served by the sheriff of the city court of Jefferson, or his deputies thereof.

General law applicable.

Sec. 13. Be it further enacted, That all matters pertaining to service, pleading and practice, the laws governing the superior court, where not inconsistent with this Act, and unless otherwise specially provided by this Act, shall be applicable to said city court.

Judge and jury.

Sec. 14. Be it further enacted, That the judge of said city court shall have power and authority to hear and determine all civil

Jefferson, City Court of Established.

cases of which the said court has jurisdiction and to give judgment therein; *provided, always*, that either party in any case shall be entitled to a trial by jury in said case, upon entering a demand therefor by himself or his attorney, in writing, on or before the call of the docket, and by or before the first day of the term of said court to which the same is returnable.

Sec. 15. Be it further enacted, That all judgments obtained in said court shall be a lien on all property belonging to the defendant or defendants throughout the State in the same manner as judgments of the superior courts are; but property exempt from levy and sale under the laws of this State shall be exempt from levy and sale under process from said court, and all executions issuing from said court shall be tested in the name of the judge, and signed by the clerk and directed to the sheriff or his deputies of the said city court of Jefferson, and to all and singular the sheriffs and their deputies of the State of Georgia. Judgments, lien of.

Sec. 16. Be it further enacted, That said court shall have jurisdiction of all claim cases where personal property is levied on under execution or other process from said court, and such claims shall be tried in the same manner as claims in the superior courts. Claims to person-alty.

Sec. 17. Be it further enacted, That claims to real property levied on under execution, or other process from said city court, shall be returned to the superior court of the county where such real property is situated, and shall there proceed as other claims in the superior courts. Realty.

Sec. 18. Be it further enacted, That all laws on the subject of attachments and garnishments as to any matter whatever in the superior courts of this State shall apply to said city court, as if named with the superior courts, so far as the nature of the superior court will admit. Attachments in said court or returnable to said court shall be directed to the sheriff or his deputies of the city court of Jefferson, and to all and singular the sheriffs and constables of this State, and the judge of said city court may, or any justice of the peace or notary public may, issue attachments returnable to said city court, under the same laws that govern the issuing of attachments returnable to the superior courts. Attachments and garnish-ments.

Sec. 19. Be it further enacted, That garnishment proceedings in said city court shall be conformable to the laws of this State on the subjects in the superior courts. General law appli-cable.

Sec. 20. Be it further enacted, That *scire facias* to make parties in any cause in said court shall be had as in the superior court, but such *scire facias* shall run throughout the State, and may be served by any sheriff or his deputy thereof. Parties.

Jefferson, City Court of Established.

Pleadings. Sec. 21. Be it further enacted, That the general laws of this State with regard to the commencement of suits in the superior courts, defenses, set-offs, affidavits of illegality, arbitration, examination of parties to suits or witnesses by interrogatories, or under subpoena, witnesses and their attendance or continuances, or other matters of a judicial nature within the jurisdiction of said city court, shall be applicable to said city court.

Powers of judge and officers. Sec. 22. Be it further enacted, That the judge of said city court shall have power to cause testimony to be taken and used *de bene esse*, and for the purpose of perpetuating testimony within his jurisdiction in all cases according to the general law of this State, and the judge and other officers of said city court shall have power respectfully to administer all oaths pertaining to their office, as the judge or other officers of the superior court may in like cases do, and said judge shall also have power to attest deeds and other papers and administer affidavits anywhere in this State in all cases in which by existing laws such papers may be attested and affidavits administered by justices of the peace of this State; and the judge of said city court shall have all the powers and authority throughout his jurisdiction as judges of the superior courts, except when by law exclusive power and authority are vested in judges of the superior courts, and all powers relating to and governing judges of the superior courts shall apply to the judge of said city court, so far as the same may be applicable, except as hereinafter provided.

Court of record. Sec. 23. Be it further enacted, That said city court of Jefferson shall be a court of record, and shall have a seal, and the minutes, records, orders, and other books and files that are required by law and rules to be kept for the superior court shall be kept in and for said city court, and in the same manner, and all laws applicable to the clerk and sheriff and their duties in the superior courts shall apply to them in the city court, except when they conflict with the provisions of this Act.

Judgments, enforcement of. Sec. 24. Be it further enacted, That all laws regulating the enforcing of judgments, whether civil or criminal, shall apply to said city court; an execution shall issue and be levied and sales be had thereunder under the same rules and laws regulating the same in the superior courts.

Sec. 25. Be it further enacted, That the judge of said city court shall have the same power to enforce his orders, to preserve order, punish for contempt and to enforce all his judgments as is vested by law in the judges of the superior courts of this State.

Jefferson, City Court of Established.

Sec. 26. Be it further enacted, That it shall be the duty of said ^{Jury list.} clerk of said city court of Jefferson to prepare and file in its office a complete copy of the traverse jury list of the superior court of Jackson county as provided from time to time for such superior court. From said copy so made traverse jurors in said city court shall be drawn in the following manner: the clerk of said city court of Jefferson shall write upon separate tickets the names of each traverse juror and shall number the same and place the same in a box to be prepared for that purpose, from which shall be drawn all traverse jurors as now required by law in the superior courts. All laws with the reference of the drawing, of selecting and summoning traverse and tales-traverse jurors in the superior courts shall apply to said city court. All exemptions from jury duty now of force in the county of Jackson and by law shall apply and be of effect in said city court.

Sec. 27. Be it further enacted, That all laws in reference to the ^{Jurors.} qualifications, relations, impaneling, fining and challenging jurors now of force in this State, or hereafter enacted by the General Assembly, regulating the same in the superior courts shall apply to and be observed in said city court, except when inconsistent with the provision of this Act.

Sec. 28. Be it further enacted, That from said panel of twenty- ^{Juries.} four jurors drawn and summoned by the provisions of this Act, the judge of said city court shall cause to be made up two juries which shall be known and distinguished as juries numbers two and one, and all cases and issues to be tried by jury, civil or criminal, at and during that term of, said city court shall be tried by one of these or by a jury stricken from both, as hereinafter provided. In case for any cause said panel should be reduced below twenty-four the judge of said court shall have power to fill it by causing talesman to be summoned instanter. In criminal cases at a regular term of said court the defendant shall be entitled to seven peremptory challenges and the State five, and in all civil cases the plaintiff and defendant shall be each entitled to six peremptory challenges, and all laws and rules, both civil and criminal, relating to the selection of juries in the superior courts shall apply to said city court, except when they are inconsistent with the terms of this Act.

Sec. 29. Be it further enacted, That the judge of said city court is authorized to appoint at each term of said court not exceeding two bailiffs as officers of said court.

Sec. 30. Be it further enacted, That in all criminal cases ^{Trial of criminal cases.} within the jurisdiction of said city court of Jefferson, the defendant or defendants shall not have the right to demand an indictment

Jefferson, City Court of Established.

by the grand jury of the county of Jackson where they are in jail when said court is in session. The defendants in criminal cases in said city court of Jackson, where no indictments have been found by the grand jury of Jackson county and sent down to said city court, as is provided in the next section of this Act, shall be tried on written accusation setting forth plainly the offense charged founded on affidavit made by the prosecutor; said affidavit shall be made before said judge and said accusation shall be signed by the prosecutor and the prosecuting officer in said court. Upon said affidavit being made and signed and filed in the clerk's office of said court, it shall be the duty of said judge of said court to issue a warrant for the apprehension and arrest of the defendant or defendants, directed to the sheriff of the city court of Jefferson, or his deputy, and to all and singular the sheriffs and constables of said State. If the defendant or defendants, on being brought before said court, demands a trial by jury or stands mute, the judge of said court, if at regular term of said court, according to the rules and laws of the superior courts applicable to the trial of misdemeanors. If the defendant demands a trial by jury and the court is not sitting at a regular term, the judge shall admit the defendant to bail to appear at the next regular term, or until such special term or session that may be called for the trial of misdemeanor cases; if the defendant waives trial by jury (which right is hereby given him) then the judge shall proceed to hear and determine such criminal cases conformable to the laws governing the superior courts as the same may be applicable; *provided, always*, that a reasonable time may be granted to the State or the defendant to procure witnesses where indictments and presentments are sent down to said court, as is provided for in the next section of this Act; all subsequent proceedings shall be in conformity with the laws regulating the trial of misdemeanors in the superior courts; *and provided always*, that the defendants can waive a jury trial and be tried by said judge if they so desire, which shall be in writing and signed by the defendant before the case proceeds to trial.

Transfers
from supe-
rior court.

Sec. 31. Be it further enacted, That the judge of the superior court may send down from the superior court of Jackson county all presentments and bills of indictment for misdemeanors to said city court for trial, the order so transmitting said cases to be entered on the minutes of both courts.

Sec. 32. Be it further enacted, That it shall be the duty of all the justices of the peace and notaries public of Jackson county, to bind over to said city court all persons charged with offenses, com-

Jefferson, City Court of Established.

mitted within the limits of Jackson county over which said city court has jurisdiction to answer said offenses.

Sec. 33. Be it further enacted, That a writ of error shall be direct from said city court to the supreme court of this State upon a bill of exceptions filed under the same rules and regulations as govern and control the issuing of writs of error and filing of bills of exception in the superior courts of this State; that *certiorari* shall be had from the decision of said city court of Jefferson to the superior court only after the judge of said court shall have had opportunity to review his decision and ruling by motion; motion for new trial or other proper motion in writing for review by said judge and the answer of said judge to any writ of *certiorari* shall be the original papers in each proceeding approved by said judge and certified to the superior court by the clerk of said court under his official signature and seal of said court; and the judge or judges of the superior court shall deny the writ of *certiorari* unless it shall affirmatively appear in the petition for *certiorari* that such opportunity for review of his decision, ruling or judgment has been had by the judge of said city court.

Sec. 34. Be it further enacted, That in all cases in said city court, the same powers and rights of parties as to waivers in pleadings or procedure or other matter pertaining to the same shall be allowed and upheld by the laws and rules governing parties in the superior courts.

Sec. 35. Be it further enacted, That all cases, civil and criminal, now pending and undisposed of in the city court of Jackson county, shall be, and are, hereby transferred to said city court of Jefferson, and the same shall be placed upon the proper dockets in said city court of Jefferson, and shall be tried and disposed of as other cases in said city court; all final and other processes now in the hands of the sheriff, his deputies or other proper officers, which are made returnable to the city court of Jackson county, shall be by them returnable to said city court of Jefferson. The judge and other proper officers of said city court shall have power and authority to issue and enforce, in the name of said city court of Jefferson, any and all process in any case from the city court of Jackson county necessary to the final disposition of the same, which for any cause have not been issued and enforced by the officers of the city court of Jackson county. All records, books and papers disposed of and of file in the city court of Jackson county shall be filed and deposited with the clerk of said city court of Jefferson; that all *fi. fas.* and final processes not satisfied now in the hands of the sheriff or his deputy or other officers of the city

Writ of error.

Practice.

Transfers from city court of Jackson county.

Jefferson, City Court of Established.

court of Jackson shall be levied and enforced by the sheriff or his deputies, and returns thereof made to the city court of Jefferson, established by this Act.

New trials. Sec. 36. Be it further enacted, That the judge of said city court shall have power to grant new trials in any case, criminal or civil, in his court upon the same terms and conditions, and under the same law and regulations in every respect governing the granting of new trials in the superior courts. All rules of pleading, practice and procedure governing motions, rules *nisi* and other proceedings in new trials in the superior courts, shall apply to and govern the same in said city court.

Fees of jurors. Sec. 37. Be it further enacted, That all jurors in said city court shall receive the same amount per day for their services and be paid in like manner as jurors are paid in the superior court of Jackson county.

Practice. Sec. 38. Be it further enacted, That all laws, rules and regulations pertaining to the superior courts relating to bringing of suits, processes, service, continuance, motion, pleas and practice shall be applicable to said city court, and shall obtain therein.

Appearance term. Sec. 39. Be it further enacted, That the first term of said court to which a case is brought shall be the appearance term, the second shall be the trial term, and all laws, rules and practice in said city court with reference to continuances, pleading and trial of causes therein shall be the same as in the superior courts, unless otherwise provided in this Act.

Disqualification of judge. Sec. 40. Be it further enacted, That whenever the judge of said city court is from any cause disqualified from presiding, and the judge of the superior court cannot from any cause preside in said court as provided for in the Constitution, then upon consent of parties or upon their failure or refusal to agree said case shall be tried by a judge *pro hac vice*, selected in the same manner as is provided for in the superior court; *provided, further*, when the judge of said court is absent from any cause from a regular term of said city court of Jefferson, it is competent for the judge of the superior court of Jackson county to preside in his stead; *provided*, that his services can be secured and he is not holding some other court.

General law applicable. Sec. 41. Be it further enacted, That all laws, rules and regulations pertaining to the superior court of this State shall apply to and obtain in said city court within its jurisdiction as aforesaid, unless otherwise provided in this Act.

Insolvent costs. Sec. 42. Be it further enacted, That the insolvent costs due the solicitor-general, the sheriff, and the clerk and other officers of said

Macon, City Court Judge's Salary.

court shall be paid only from moneys arising from fines and forfeitures in said court; if the money arising from fines and forfeitures in said court more than pay said insolvent costs, then the balance shall be paid into the county treasury of Jackson county.

Sec. 43. Be it further enacted, That the ordinary or other proper officers charged with paying out the money in Jackson county shall provide the necessary books for keeping the dockets, minutes and records of said city court. Books, etc.

Sec. 44. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved November 30, 1897.

MACON, CITY COURT JUDGE'S SALARY.

No. 266.

An Act to amend the act creating the city court of Macon, approved August 14th, 1885, and all Acts amendatory thereof, so as to fix the salary of the judge of said court at three thousand (\$3,000.00) dollars per annum; to provide for regular and special terms of said court, and fix the duration of such terms, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act the judge of said city court of Macon "shall receive a salary of three thousand dollars per annum, which shall be paid monthly out of the treasury of the county of Bibb, as now provided by law; and that so much of the fourth section of the Act creating the city court of Macon, approved August 14th, 1885, as provides that the judge of said court shall receive a salary of two thousand dollars per annum, which shall not be increased or diminished during his term of office, except to apply to a subsequent term," is hereby repealed and superseded by the provisions of this Act, as to the amount and payment of said salary. Judge city court of Macon, salary of..

Sec. 2. Be it further enacted, That the regular terms of said city court of Macon shall be held quarterly, beginning on the first Mondays in March, June, September and December of every year. The judge of said court shall have power to hold said court in session at such regular terms from day to day as long as he may deem necessary for the purpose of disposing of the business of said court, Terms of city court of Macon.

Savannah, City Court Judge's Salary.

both civil and criminal, and said terms shall continue in session from the beginning of each term until finally adjourned by the judge. At such terms the judge, in his discretion, may impanel thirty-six jurors, from which number a panel of twenty-four jurors may be made for the trial of all cases, and for this purpose the judge may cause tales traverse jurors to be summoned.

Repealing clause. Sec. 3. Be it further enacted, That all of the provisions of this Act shall be operative immediately on its passage, and shall apply to all cases now pending in said court; and that all laws and parts of laws in conflict with this Act are hereby repealed.

Approved December 16, 1897.

SAVANNAH, CITY COURT JUDGE'S SALARY.

No. 264.

An Act to amend an Act entitled an Act to enlarge the jurisdiction of the city court of Savannah, to prevent the judge thereof from practicing law, and for other purposes, approved September 15th, 1881, so as to permit such judge to practice law as a conveyancer under certain circumstances, to provide for the payment of his salary and other expenses of said court, to increase the term of service of and to compensate jurors, and to better enforce their attendance, and for other purposes, approved September 18th, 1883, by striking out all after the words "expenses of said court," in the twelfth line of said second section, and by inserting in lieu of the same the following words, "shall hereafter be borne by the county of Chatham, and for other purposes."

City court of Savannah.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, section 2 of an Act entitled an Act to amend an Act to enlarge the jurisdiction of the city court of Savannah, to prevent the judge thereof from practicing law, and for other purposes, approved September 15th, 1881, so as to permit such judge to practice law as a conveyancer under certain circumstances; to provide for the payment of his salary and other expenses of said court; to increase the term of service of and to compensate jurors, and to better enforce their attendance, and for other purposes, approved September 13th, 1883, be, and the same is, hereby amended by striking out all after

Savannah, City Court Judge's Salary.

the words "expenses of said court" in the twelfth line of said second section, and by inserting in lieu of the same the following words, shall hereafter be borne by the county of Chatham, but this Act will not go into effect until April 1st, 1897, so that the same when amended shall read as follows: That the judge of the city court shall have annual salary of three thousand dollars, to be paid to him in monthly installments out of the treasury of the county of Chatham by the treasurer of said county, without the intervention or order of the county commissioners, or any other county officer, except that the county commissioners of said county shall levy a special tax, without submitting their action to the grand jury, for the purpose of paying such salary; such tax to be collected in the manner now prescribed for collecting other taxes. All other expenses of said court shall hereafter be borne by the county of Chatham, but this act shall not go into effect until April 1st, 1898; *provided*, that nothing in this Act shall be construed as to diminish the compensation of the solicitor-general of the eastern judicial circuit as now fixed by law, and the said solicitor-general shall be entitled to receive out of the treasury of Chatham county in each calendar year all his insolvent costs bills, the sum of sixteen hundred (\$1600.00) dollars, which amount shall be due and payable during the month of January of each calendar year, on bills properly certified by the judge of the superior court of Chatham county, and the judge of the city court of Savannah, each for the sum of (\$800.00) eight hundred dollars; this Act to be effective in so far as it affects the compensation of the solicitor-general on January 1st, 1898.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

Valdosta, City Court of Established.

VALDOSTA, CITY COURT OF ESTABLISHED.

No. 149.

An Act to establish the city court of Valdosta, in the city of Valdosta, in and for the county of Lowndes; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof; to define the powers and duties of the judge and other officers thereof, and for other purposes.

City court
of Val-
dosta.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the city court of Valdosta is hereby established in the city of Valdosta, and created with civil and criminal jurisdiction over the whole county of Lowndes; this Act to take effect on the passage thereof, and the approval of the Governor.

Juris-
diction.

Fees of
clerk.

Sec. 2. Be it further enacted, That said city court of Valdosta shall have jurisdiction to try and dispose of all civil cases of whatever nature or amount, except in those cases over which exclusive jurisdiction is vested in the superior court by the Constitution and laws of the State of Georgia; *always provided*, that said city court of Valdosta shall not have power to correct errors in inferior jurisdiction by writ of *certiorari*, and said city court shall not have power to issue writs of *mandamus*, or prohibition, or *quo warranto*, or to foreclose mortgages on real estate. In all suits brought in said court in principal sums of one hundred dollars or less, the clerk shall only receive justice court cost, with recording fees additional, as hereinafter provided, and the sheriff shall only receive seventy-five cents for serving each copy of suit, and one dollar for each levy. In all cases in said city court of \$100.00 or under, when the clerk and the sheriff performs services for which no fees are provided in justice's court, they shall receive the same fees as are provided in this bill for like services in cases arising in this court, when the amount involved is over \$100.00, but in all cases of \$100.00 or under the clerk shall only receive for filing and docketing, entering verdict and judgment on the minutes, and copying and issuing process, thirty-five cents each for the three items.

Criminal.

Sec. 3. Be it further enacted, That the said city court of Valdosta shall have jurisdiction to try and dispose of all criminal cases, when the offender is not subject to loss of life or confinement in the penitentiary, when the offense is committed in the county of Lowndes.

Valdosta, City Court of Established.

Sec. 4. Be it further enacted, That there shall be a judge of Judge. said city court of Valdosta, who shall be appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall be four years, and until his successor is appointed and qualified, and all vacancies in the office of judge shall be filled by appointment of the Governor for the residue of the unexpired term, such appointment being subject to the approval of the Senate which may then be in session, or if the Senate be not in session at the time of such appointment, then subject to the approval of the Senate at its next session thereafter. The judge of said city court of Valdosta shall receive a salary of twelve hundred dollars Salary. per annum, which shall not be increased or diminished during his term of office, except to apply to a subsequent term, and shall be paid monthly out of the treasury of the county of Lowndes, by the person or persons charged by the law with paying out of the money of Lowndes county.

Sec. 5. Be it further enacted, That any person who shall be appointed judge of said city court must at the time of said appointment be at least twenty-seven years of age; he must also have been a resident of Lowndes county at least three years immediately preceding his appointment, and he must also have been a practicing attorney at least three years before his appointment, and he shall, before entering upon the discharge of the duties of his office, take and subscribe the following oath: "I do solemnly swear that I Oath. will administer justice without respect to persons, and do equal right to the poor and the rich, and that I will faithfully and impartially discharge and perform all the duties which may be required of me as judge of the city court of Valdosta, of this State, according to the best of my ability and understanding, agreeable to the laws and Constitution of this State and the Constitution of United States, so help me God," and said oath shall immediately thereafter be forwarded to the Governor and filed in the executive department. Said judge may practice law in any other court except the court created by this Act; he shall have authority to issue criminal warrants, to dispossess tenants holding over and intruders, to issue distress warrants, and generally do all acts which the judges of the county courts of this State are authorized to do, unless otherwise provided in this Act.

Sec. 6. Be it further enacted, That there shall be a solicitor-general of said city court of Valdosta, who shall be appointed by the Governor by and with the advice and consent of the Senate, whose term of office shall be four years, and all vacancies shall be filled Solicitor.

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in like manner for the unexpired term: he must be at least ~~twenty~~ five years of age, and must have been a practicing attorney for three years preceding his appointment, and a resident of Lowndes county for three years preceding his appointment, and shall take the oath of office required of solicitors-general. The fees of the solicitor-general in said court shall be the same as the solicitors-general for services in like cases in the superior court.

Fees.

Sec. 7. Be it further enacted, That there shall be a clerk of the said court, who shall be appointed by the judge thereof. Said clerk shall, before entering upon the duties of his office, take and subscribe an oath to faithfully and impartially discharge the duties of the office thereof, which oath shall be entered on the book of minutes of said court; he shall, also, before entering upon the duties of his office, execute a bond, with good and sufficient security, in the sum of three thousand dollars, for the faithful discharge of the duties of his office; he shall hold his office during the term of four years, and shall have power and authority to appoint a deputy clerk with all powers of said clerk. The clerk of the superior court of Lowndes county shall be eligible to appointment to the office of clerk of the city court of Valdosta.

Clerk.

Bond.

Sec. 8. Be it further enacted, That the sheriff of Lowndes county shall be *ex officio* sheriff of the city court of Valdosta, and, in his official connection with said court he shall be known as the sheriff of said city court of Valdosta. Before entering upon the discharge of the duties of his office, he shall execute a bond, with good security, in the sum of five thousand dollars, for the faithful discharge of the duties of his office; he shall have power to appoint a deputy or deputies. All the duties and liabilities attached to the office of clerk of the superior court and to the office of sheriff shall be attached to the office of clerk of the city court of Valdosta and to the office of sheriff of the city court of Valdosta, respectively, and the judge of the said city court of Valdosta is empowered to exercise the same authority over the said clerk and sheriff, and his deputy or deputies, as is exercised by the judges of the superior courts over the clerks of the superior courts and sheriffs of the counties in Georgia. If the sheriff fails to give bond within sixty days, that the judge be authorized to appoint a sheriff, who shall give like bond before entering on his duties, and his term shall expire at the same time as the sheriff of the county.

Sheriff.

Bond.

Sec. 9. Be it further enacted, That the fees of the clerk and of the sheriff of said court in criminal cases shall be the same as are now or may hereafter be allowed by law to the clerk of the superior

Fees.

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court and to the sheriff of the county, except when no indictment is demanded or has been found, the clerk shall only receive three dollars; and for his attendance at the regular terms of said court the sheriff shall receive the same pay, to be paid in the same manner, as now allowed him for similar services in the superior court of Lowndes county; *provided*, he shall not receive pay for exceeding fifteen days in the year.

The fees of the clerk for his attendance at the regular terms of said court shall be the same per day as that received by the clerk of the superior court, and to be paid in the same manner; *provided*, he shall not receive pay for exceeding fifteen days in a year. The clerk shall receive one-third less costs in all civil cases, when the principal amount involved is above one hundred dollars, than is received by the clerk of the superior court for like services, and said reduction to be on each item of said costs, except for recording proceedings, issuing subpoenas and jury scrip, he shall receive same fees as are allowed the clerk of the superior court. The fees of the sheriff in all civil cases, when the principal amount involved is above one hundred dollars, shall be the same as the fees for like services in the superior court.

Sec. 10. Be it further enacted, That the judge of the city court shall have power to issue writs of *habeas corpus*, and to hear and dispose of the same in the same way and with the same power as the judge of the superior court. *Habeas corpus.*

Sec. 11. Be it further enacted, That the terms of said city court of Valdosta shall be held quarterly, beginning on the first Mondays in March, June, September and December of every year. The judge of said court shall have power to hold said court in session and adjourn from time to time; *provided*, that said court shall be finally adjourned at least five days before the next succeeding term. *Terms.*

Sec. 12. Be it further enacted, That suits in said city court shall in all respects be conformable to the mode of proceedings in the superior court, except as hereinafter provided; but the process to writs shall be annexed by the clerk of said city court, be tested in the name of the judge thereof, and be directed to and served by the sheriff of the city court of Valdosta or his deputies. *Pleadings.*

Sec. 13. Be it further enacted, That in all matters pertaining to time of commencing suit, to service, pleading and practice, the laws governing the superior court, where not inconsistent with this Act, and unless otherwise specially provided by this Act, shall be applicable to said city court. *Practice.*

Valdosta, City Court of Established.

Judge
and jury.

Sec. 14. Be it further enacted, That the judge of said city court shall have power and authority to hear and determine all civil cases of which said court has jurisdiction, and give judgment and execution therein; *provided, always*, that either party in any cause shall be entitled to a trial by a jury in said court upon entering a demand therefor, by himself or his attorney, in writing, within fifteen days after the first day of the term of said court to which the cause is returnable, in all cases where such party is entitled to a trial by a jury under the Constitution and laws of this State, except cases where the principal sum involved is not over fifty dollars, a trial by a jury shall not be had.

Judgments
lien of.

Sec. 15. Be it further enacted, That all judgments obtained in said city court shall be a lien on all property belonging to the defendant or the defendants throughout the State, in the same manner as judgments of the superior court are; but property exempt from levy and sale under the laws of this State shall be exempt from levy and sale under process from said court, and all executions issuing from said court shall be tested in the name of the judge and signed by the clerk and directed to the sheriff or his deputies of said city court of Valdosta, and to all and singular the sheriffs or their deputies of the State of Georgia.

Claims to
person-
alty.

Sec. 16. Be it further enacted, That said court shall have jurisdiction of all claim cases where personal property is levied on under executions, or other process from said court, and such claims shall be tried in the same manner as claims in the superior court.

To realty.

Sec. 17. Be it further enacted, That claims to real property levied on under executions, or other processes, from said city court shall be returned to the superior court of the county where such real property is situated, and shall there proceed as other claims in the superior court.

Attach-
ments and
garnish-
ments.

Sec. 18. Be it further enacted, That all laws upon the subject of attachments and garnishments as to any matter whatever in the superior courts of this State shall apply to said city court as if named with the superior court, so far as the nature of the city court will admit. Attachments in said court, or returnable to said court, shall be directed to the sheriff, or his deputies, of the city court of Valdosta, and to all and singular the sheriffs and constables of this State; and the judge of said city court may, or any justice of the peace, or notary public and *ex officio* justice of the peace, may issue attachments returnable to said city court under the same laws that govern the issuing of attachments returnable to the superior courts.

Valdosta, City Court of Established.

Sec. 19. Be it further enacted, That garnishment proceedings in said city court shall be conformable to the laws of the State on the subject in the superior court. When any *garnishment* proceedings are commenced under section 4715 or 4716 and 4717 of the Code of Georgia of 1895 vol. 2, based upon suits pending in this court, or judgment obtained in this court, the person served with summons of garnishment residing in a different county from the county of Lowndes shall be required to answer in the superior court of the county of his residence in the manner provided by said sections aforesaid. General law applicable.

Sec. 20. Be it further enacted, That *scire facias* to make parties in any cause in said city court shall be had as in the superior court, but such *scire facias* shall run throughout the State, and may be served by any sheriff, or his deputy, thereof. Parties.

Sec. 21. Be it further enacted, That the general laws of this State with regard to the commencement of suits in the superior courts, defenses, set-offs, affidavits of illegality, arbitrations, examinations of parties to suits or witnesses by interrogatories or under subpoena, witnesses and their attendance, continuances or other matter of a judicial nature within the jurisdiction of said city court, shall be applicable to said city court. Practice.

Sec. 22. Be it further enacted, That the judge of said city court shall have power to cause testimony to be taken and used *de bene esse*, and for the purpose of perpetuating testimony within his jurisdiction, in all cases according to the general laws of this State, and the judge and all other officers of said city court shall have power respectively to administer all oaths pertaining to their office, as the judge and other officers of the superior court may in like cases do; and said judge shall also have power to attest deeds and other papers, and administer affidavits in all cases anywhere in this State in which, by existing laws, such papers may be attested and the affidavits administered by justices of the peace of this State; and the judge of said city court shall have all the power and authority throughout his jurisdiction of judges of the superior courts, except where by law exclusive power and authority are vested in the judges of the superior courts, and all laws relating to and governing judges of the superior courts, shall apply to the judge of said city court, so far as the same may be applicable, except as herein provided. Powers of judge and officers.

Sec. 23. Be it further enacted, That said city court of Valdosta shall be a court of record and shall have a seal and the minutes, records, order and other books and files that are required by law Court of record.

and rules to be kept for the superior court shall be kept in and for said city court and in the same manner; and all laws applicable to the duties of the clerk and sheriff in said superior court shall apply to them in said city court except where they conflict with the provisions of this act.

Judgments, enforcement of. Sec. 24. Be it further enacted, That all laws regulating the enforcing of judgments of the superior court, whether civil or criminal, shall apply to said city court, and executions shall issue and be levied and sales be had thereunder under the same rules and laws regulating the same in the superior court.

Contempt. Sec. 25. Be it further enacted, That the judge of said city court shall have the same power to enforce his orders, to preserve order, punish for contempt, and to enforce all of his judgments as is vested by law in the judges of the superior courts of this State.

Jury list. Sec. 26. Be it further enacted, That all persons liable to serve as grand and petit jurors in the superior court of said county shall be liable to serve as petit jurors in said city court, and it shall be the duty of the clerk of said city court to copy into a book the list of all names of persons liable to serve as grand and petit jurors in the said superior court to be taken from the list of the said superior court, under the supervision of the judge of the said city court, and to make a new list as often as said superior court jury lists are revised to conform to said revision, which said book containing the list of persons so liable to serve as jurors in said city court, as above directed, shall be alphabetically arranged and shall be kept in the office of the clerk of said city court.

The said clerk shall also make out tickets equal in number to the number of names in said list and write upon each the name of one of the said persons and deposit the same in a box to be provided at public expense and numbered one, until there shall be a ticket in said box bearing the name of each person on said lists.

Juries. Sec. 27. Be it further enacted, That during the session of said city court at each term, in open court, the judge of said court, or the judge of the superior court, when presiding in said court, shall draw from said box number one sixteen names of persons to serve as jurors at the next term of said city court, and shall cause the clerk to record said names so drawn, and then place them in another box to be provided as above stated and numbered two.

Jury box. These boxes shall be so constructed as to be kept under one seal and lock and shall be kept sealed and shall not be opened by any person except the judge of said city court, or the judge of the superior court when presiding in his place, for the purpose of drawing

Valdosta, City Court of Established.

juries in open court, except in cases where, from failure to draw a jury at term time or from any other cause, it may be necessary to draw a jury in vacation.

Should it become necessary to so draw a jury in vacation the judge of said city court, or the judge of the superior court, may at any time fifteen days before the next term of said city court, in the presence of the clerk and sheriff of said city court, proceed to draw juries in the same manner as above prescribed. The clerk shall keep said jury boxes and the sheriff of said court shall keep the key.

Sec. 28. The clerk shall make out a precept, containing the names of the persons drawn as above directed, and a summons for each juror, and deliver the same to the sheriff of said court fifteen days before the next term of said city court, who shall serve each of said persons by handing him a summons personally, or leaving the same at his most notorious place of abode at least ten days before the term of the said city court at which he is required to attend. Jurors.

Sec. 29. Be it further enacted, That sixteen jurors shall be drawn, summoned and impaneled, and if by reason of non-attendance or disqualification of any of said regular panel the same is not full the judge of said court shall direct the same to be filled by tales jurors in the same manner as is done in the superior court. Juries.

In civil cases each side shall strike two from the panel of sixteen, and in criminal cases the defendant shall strike three and the State one from said panel.

The sheriff of said court shall be entitled to a fee of three dollars for summoning the jurors for each term, the same to be paid in the same manner as the sheriff of the superior court is paid for similar services.

Sec. 30. Be it further enacted, That the defendants in criminal cases in said city court of Valdosta may be tried on written accusations setting forth plainly the offense charged, founded on affidavit made by the prosecutor, and said accusation shall be signed by the prosecutor and the prosecuting officer of said court. Accusation.

Before the arraignment of the defendant the said judge shall inquire of him whether he demands indictment, and the response of the defendant shall be endorsed on said accusation and signed by the prosecuting officer in said court.

If the defendant demands indictment the judge of said court shall, in the event of the inability of the defendant to furnish proper bail, which shall be required of him for his appearance to answer such indictment as may be found against him, conformable to the general law of bail in criminal cases, commit said de-

Valdosta, City Court of Established.

fendant to the common jail of said county to await the action of the grand jury in such cases. In the event a true-bill is found or special presentment made in such case, and returned to said city court of Valdosta, all subsequent proceedings shall be in conformity with the laws regulating the trial of misdemeanors in the superior courts, but the jury shall be selected in the manner provided by this Act.

If the defendant waives indictment, the judge of said court shall inquire of him whether he demands a trial by jury, and the response of the defendant shall be endorsed on said accusation and signed by the prosecuting officer in said court. If the defendant demands a trial by jury, the judge of said court shall proceed with said cause, if at regular term of said court, according to the rules and laws of the superior court applicable to the trial of misdemeanors, but the jury shall be selected in the manner provided by this Act.

If the defendant demands a trial by jury and the said court is not sitting at a regular term, the judge shall admit the defendant to bail to appear at the next regular term, or on the defendant's failure to give bond shall commit him to jail until the next regular term of said court.

If the defendant waives trial by jury, then the said judge shall proceed to hear and determine such criminal cases conformably to the law governing the superior courts, as the same may be applicable; *provided, always*, that a reasonable time may be granted to the State or the defendant to procure witnesses.

Transfers
from supe-
rior court.

Sec. 31. Be it further enacted, That the judge of the superior court may send down from the superior court of Lowndes all presentments and bills of indictment for misdemeanors to said city court for trial, the order so transmitting such cases to be entered on the minutes of both of said courts.

Commit-
ment.

Sec. 32. Be it further enacted, That it shall be the duty of all the justices of the peace and notaries public of Lowndes county to bind over to said city court all persons charged with offenses committed within the limits of Lowndes county over which said city court has jurisdiction to answer for said offenses.

Writ of
error.

Sec. 33. Be it further enacted, That a writ of error shall be direct from said city court to the superior court of this State upon a bill of exceptions filed under the same rules and regulations as govern and control the issue of writs of error and filing of bills of exceptions in the superior courts of this State.

Valdosta, City Court of Established.

Sec. 34. Be it further enacted, That in all cases in said court Practice. the same powers and the rights of parties as to the waiver in pleading or procedure or other matters pertaining to the same shall be allowed and upheld by the laws and rules governing parties in the superior courts.

Sec. 35. Be it further enacted, That all cases, civil and criminal, now pending and undisposed of in the city court of Lowndes county shall be, and are hereby, transferred to said city court, and the same, including claims and illegalities hereafter filed, shall be placed upon the proper docket in said city court, and shall be tried and disposed of as other cases in said city court. Transfers from city court of Lowndes county.

All final and other processes now in the hands of the sheriff, bailiffs, or other officers, or that may hereafter come into their hands, which are made returnable to the city court of Lowndes county, shall be by them returnable to the said city court of Valdosta instead of said city court of Lowndes county; all *fi. fas.* and all final and other processes now in the hands of the sheriff, bailiffs or other officers which are made returnable to the county court of Lowndes county, shall be by them returnable to said city court of Valdosta, including all claims and illegalities which may hereafter be filed. The judge and other officers of said city court shall have power and authority to issue and enforce in the name of said city court any and all processes in any case from the city court of Lowndes county necessary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of the city court of Lowndes county. All records, books and papers disposed of and of file in said city court of Lowndes county shall be filed and deposited with the clerk of said city court; that all *fi. fas.* and final processes not satisfied now in the hands of the sheriff of said city court of Lowndes county shall be levied and enforced by the sheriff of said city court and returns thereof made to said city court.

Sec. 36. Be it further enacted, That the judge of said city court New trials. shall have power to grant a new trial in any case, civil or criminal, in his court upon the same terms and conditions and under the same laws and regulations, in every respect, governing the granting of new trials in the superior courts.

All rules of pleadings, practice and procedure governing motions, rules *nisi* and other proceedings in new trials in the superior courts, shall apply to and govern the same in said city court.

Sec. 37. Be it further enacted, That all juries in said city court shall receive one dollar and a half per day for their services for Fees of jurors.

Valdosta, City Court of Established.

every day of actual attendance and shall be paid in the same manner and under the same rules and regulations as jurors in the superior courts.

Suits against joint obligors. Sec. 38. Be it further enacted, That all suits against joint obligors, joint promissors, copartners or joint trespassers, in which any one or more resides in the county of Lowndes, may be brought in said court within its jurisdiction, as already stated, under the same rules and regulations governing such cases in the superior courts, *mutatis mutandis* as to copies, second originals, returns, and other matters connected with the suit.

Practice. Sec. 39. Be it further enacted, That all rules of the superior court relating to continuances, motions, pleas, and practice, shall be applicable to said city court and shall obtain therein.

Solicitor's fees. Sec. 40. Be it further enacted, That the solicitor of said court shall for his services in the supreme court be paid out of the treasury of the State, by warrant drawn by the Governor upon certificate of the clerk of the supreme court as to the performance of such services and the certificate of the clerk of the city court of the insolvency or acquittal of defendant.

Appearance term. Sec. 41. Be it further enacted, That the first term of said court to which a case is brought shall be the appearance or return term, the second shall be the trial or judgment term, and all the laws, rules and practice in said court with reference to the terms thereof and to the continuances, pleadings and trials of causes therein, shall be the same as in the superior court unless otherwise provided in this Act.

Disqualifications of judge. Sec. 42. Be it further enacted, That whenever the judge of the said city court is, from any cause, disqualified from presiding, and the judge of the superior court is not present to preside in said court as provided for in the Constitution, then, upon consent of the parties or upon their failure or refusal to agree, said cause shall be tried by a judge *pro hac vice*, selected in the same manner as now provided for in the superior courts.

Costs. Sec. 43. Be it further enacted, That all criminal cases tried in said city court by the judge, or by him and a jury, the party held liable for the cost shall pay to the judge the sum of three dollars for the county, to be paid to the county treasurer for general purposes. In all cases commenced, but not tried, the party held liable for the cost shall pay the sum of two dollars to be disposed of as aforesaid.

Insolvent costs. Sec. 44. Be it further enacted, That on the first Monday of each quarter, or any day previous to said first Monday he may see proper

Valdosta, City Court of Established.

to do so, the judge of said court shall distribute the money received from the proceeds of the labor of convicts convicted in said court, and the fines and forfeitures arising from cases tried in said court. Said money shall be distributed as follows:

All bills for insolvent cost due the solicitor of said court, the sheriff, the county and the clerk, shall be approved by the judge of said court and entered upon the minutes thereof, and shall be a lien upon all the fines and forfeitures raised in said city court and money derived from convicts as aforesaid superior to all other claims for insolvent cost; and when the judge distributes such fines and forfeitures he shall pay the same to the solicitor of said court, the sheriff, the county and the clerk *pro rata* on their bills for insolvent costs, for fees in cases in said city court, and when said bill of insolvent costs of the solicitor of said court, sheriff, the county and clerk are fully paid, the judge shall order the surplus paid to the person who by law acts as the treasurer of Lowndes county, which surplus shall be by him placed to the credit of the fine and forfeiture fund of said county and distributed as now provided by law.

In cases tried in said city court which have been transferred from the superior court, the solicitor-general and clerk of the superior court, and the sheriff and the county shall have the right to share *pro rata* in all fines and forfeitures and money arising from said transferred cases before any surplus is paid into the county treasury; *provided, always*, that in all cases in which the justices of the peace or notary public and *ex officio* justice of the peace has bound over any offender to said court or the superior court, and the case is afterwards transferred to said city court, the justice of the peace or notary public or *ex officio* justice of the peace, so binding over, shall be entitled to share as to his costs in the particular case with the sheriff, clerk, the county and solicitor-general upon the same terms in any fine or forfeitures that may arise therefrom.

Sec. 45. Be it further enacted, That said court shall be held at the court house of Lowndes county, in the city of Valdosta, and the board of commissioners of roads and revenues for the county of Lowndes shall provide the necessary books for keeping the docket, minutes and records of said city court.

Court
house,
books, etc.

Sec. 46. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing
clause.

Approved November 29, 1897.

Waycross, City Court of Established.

WAYCROSS, CITY COURT OF ESTABLISHED.

No. 215.

An Act to establish the city court of Waycross, in and for the county of Ware; to define its jurisdiction and power; to provide for the appointment of a judge and other officers thereof; to define their powers and duties, and for other purposes.

City court
of Way-
cross.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the city court of Waycross is hereby established and created with civil and criminal jurisdiction over the whole county of Ware. This Act to take effect on the passage thereof.

Juris-
diction.

Civil.

Sec. 2. Be it further enacted, That said city court of Waycross shall have jurisdiction to try and dispose of all civil cases of whatever nature, except in those cases over which exclusive jurisdiction is vested in the superior courts by the Constitution and laws of the State of Georgia; but in all suits brought in said court in sums of one hundred dollars or less the plaintiff shall only recover justice court costs; *provided*, that said city court of Waycross shall not have power to correct errors in inferior jurisdiction by writ of *certiorari*, and said city court shall not have power to issue writs of *mandamus* or prohibition or *quo warranto*, or to foreclose mortgages on real estate.

Criminal.

Sec. 3. Be it further enacted, That said city court of Waycross shall have jurisdiction to try and dispose of all criminal cases, when the offender is not subjected to loss of life or confinement in the penitentiary, where the offense is committed in the county of Ware.

Judge.

Sec. 4. Be it further enacted, That there shall be a judge of said city court of Waycross, who shall be appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall be four years; and all vacancies in the office of judge shall be filled by appointment of the Governor for the residue of the unexpired term, such appointment being subject to the approval of the Senate which may be then in session, or if the Senate be not in session at the time of such appointment, then subject to the approval of the Senate at its next session thereafter. The judge of said city

Salary.

court of Waycross shall receive a salary of twelve hundred dollars per annum, which shall not be increased or diminished during his term of office, except to apply to a subsequent term, and shall be

Waycross, City Court of Established.

paid monthly out of the treasury of the county of Ware by the person or persons charged by the law in paying out the money of Ware county; *provided*, that the terms of the judge first appointed under this Act shall expire on January 1st, 1902.

Sec. 5. Be it further enacted, That any person who shall be appointed judge of said city court must at the time of said appointment be at least twenty-seven years of age; he must also have been a resident of Ware county at last four years immediately preceding his appointment, and he must also have been a practicing attorney at law at least five years before his appointment, and he shall, before entering upon the discharge of his duties, take and subscribe the following oath: "I solemnly swear that I will administer justice without respect to persons, and do equal rights to the poor and the rich, and that I will faithfully and impartially discharge and perform all the duties which may be required of me as the judge of the city court of Waycross, of this State, according to the best of my ability and understanding, agreeably to the laws and Constitution of this State and the Constitution of the United States, so help me God;" and said oath shall immediately thereafter be forwarded to the Governor and filed in the Executive Department. Said judge may practice law in any other court except the court created by this Act; he shall have authority to issue criminal warrants, to dispossess tenants holding over and intruders, to issue and dispose of distress warrants, and generally do all acts which the judges of the county courts of this State are authorized to do, unless otherwise provided in this Act.

Sec. 6. Be it further enacted, That there shall be a solicitor of the city court, who shall be appointed by the Governor, and with the advice and consent of the Senate, who shall hold his office for the term of four years. All vacancies in said office shall be filled by appointment of the Governor for the remainder of the unexpired term; and should a vacancy occur when the Senate shall not be in session, the Governor shall fill such vacancy by appointment, and shall submit such appointment to the Senate at its next session thereafter. No person shall be appointed solicitor of said city court unless at the time of his appointment he shall have arrived at the age of twenty-one years, and shall be a resident of said county four years, and shall be a practicing attorney-at-law five years. The fees of the solicitor-general in said city court shall be as follows: For every person prosecuted to trial, or plea of guilty, in a case which originated by accusation in said city court, \$10.00; for every person brought before the court by indictment and prose-

Waycross, City Court of Established.

cuted to trial or plea of guilty, \$5.00; for every person prosecuted to trial or plea of guilty for a violation of the gambling laws of this State, \$25.00; for representing the State for each case carried to the Supreme Court from said city court, \$15.00; for all services for which this Act does not provide, he shall receive the same fees as are now allowed by law for similar services in the superior court.

Clerk.

Sec. 7. Be it further enacted, That there shall be a clerk of said court, who shall be appointed by the judge thereof. Said clerk shall, before entering upon the duties of his office, take and subscribe an oath to faithfully and impartially discharge the duties thereof, which oath shall be entered on the book of minutes of said court; he shall, also, before entering upon the duties of his office, execute a bond, with good security, in the sum of three thousand dollars, for the faithful discharge of the duties of his office; he shall hold his office during the term of four years, and he shall have power and authority to appoint a deputy clerk, with all powers of said clerk; *provided*, that the clerk of the superior court may be made clerk of said city court.

Sheriff.

Sec. 8. Be it further enacted, That the sheriff of Ware county shall be *ex officio* sheriff of the city court of Waycross, and in his official connection with said court he shall be known as the sheriff of the city court of Waycross. Before entering on the discharge of the duties of his office he shall execute a bond, with good security, in the sum of five thousand dollars, for the faithful discharge of the duties of his office; he shall have power to appoint a deputy or deputies, with the consent of said judge. All the duties and liabilities attached to the office of clerk of the superior court, and to the office of sheriff, shall be attached to the office of clerk of the city court of Waycross, and to the office of sheriff of the city court of Waycross, respectively, and the judge of said city court of Waycross is empowered to exercise the same authority over the said clerk and sheriff, and deputy or deputies, as is exercised by the judges of the superior courts over the clerks of the superior courts and sheriffs of the counties of Georgia.

Fees.

Sec. 9. Be it further enacted, That the fees of the clerk and the sheriff of said court shall be the same as are now, or may hereafter, be allowed by law to the clerk of the superior court and to the sheriff of the county, except in criminal cases, when no indictment is demanded or has been found, the clerk shall only receive three dollars; and for his attendance at the regular terms of said court the sheriff shall receive the same pay, to be paid in the manner as now allowed him for similar services in the superior court of Ware county.

Waycross, City Court of Established.

Sec. 10. Be it further enacted, That the judge of said city court shall have power to issue writs of *habeas corpus*, and to hear and dispose of the same in the same way and with the same power as judge of the superior court. *Habeas corpus.*

Sec. 11. Be it further enacted, That the term of said city court of Waycross shall be held quarterly, beginning on the first Mondays in March, June, September and December of every year. The judge of said court shall have power to hold said court in session, and adjourn from time to time; *provided*, that said court shall be finally adjourned at least five days before the next succeeding term. *Terms.*

Sec. 12. Be it further enacted, That suits in said city court in all respects be conformable to the mode of proceedings in the superior court, except as hereinafter provided; but the process to writs shall be annexed by the clerk of said city court, to be tested in the name of the judge thereof, and be directed to and served by the sheriff of the city court of Waycross, or his deputies thereof. *Pleadings.*

Sec. 13. Be it further enacted, That in all matters pertaining to service, pleading and practice, the laws governing the superior court, where not inconsistent with this Act, and unless otherwise specially provided by this Act, shall be applicable to said city court. *Practice.*

Sec. 14. Be it further enacted, That the judge of said city court shall have power and authority to hear and determine all civil cases of which the said court has jurisdiction, and give judgment and execution therein; *provided, always*, that either party in any cause shall be entitled to a trial by jury in said court, upon entering a demand therefor, by himself or his attorney, in writing, on or before the last day of the term of said court to which the cause is returnable, in all cases where such party is entitled to a trial by jury under the Constitution and laws of this State. *Judge and jury*

Sec. 15. Be it further enacted, That all judgments obtained in said court shall be a lien on all property belonging to the defendant or defendants throughout the State, in the same manner as judgments of the superior courts are; but property exempt from levy and sale under the laws of this State shall be exempt from levy and sale under process from said court, and all executions issuing from said court shall be tested in the name of the judge and signed by the clerk, and directed to the sheriff or his deputies of said city court of Waycross, and to all and singular the sheriffs, or their deputies, of the State of Georgia. *Judgments lien of.*

Sec. 16. Be it further enacted, That said court shall have juris-

Waycross, City Court of Established.

Claims to person-
alty. diction of all claim cases where personal property is levied on under execution or other process from said court, and such claims shall be tried in the same manner as claims in the superior court.

To realty. Sec. 17. Be it further enacted, That claims to real property levied on under execution or other process from said city court shall be returned to the superior court of the county where such real property is situated, and shall there proceed as other claims in the superior court.

Attach-
ments and
garnish-
ments. Sec. 18. Be it further enacted, That all laws upon the subject of attachments and garnishment as to any matter whatever in the superior courts of this State shall apply to said city court as if named with the superior court, so far as the nature of the city court will admit. Attachments in said court, or returnable to said court, shall be directed to the sheriff, or his deputies, of the city court of Waycross, and to all and singular the sheriffs and constables of the State; and the judge of said court may, or any justice of the peace or any notary public may issue attachments returnable to said city court, under the same laws that govern the issuing of attachments returnable to the superior courts.

General
law appli-
cable. Sec. 19. Be it further enacted, That garnishment proceedings in said city court shall be conformable to the laws of the State on the subject in the superior courts.

Parties. Sec. 20. Be it further enacted, That *scire facias* to make parties in any cause in said city court shall be had as in the superior court, but such *scire facias* shall run throughout the State, and may be served by any sheriff, or his deputy, thereof.

Pract'ce. Sec. 21. Be it further enacted, That the general laws of this State with regard to commencement of suits in the superior courts, defenses, set-off, affidavits of illegality, arbitration, examinations of parties to suits or witnesses by interrogatories or under subpoena, witnesses and their attendance, continuances, or other matter of a judicial nature, within the jurisdiction of said city court, shall be applicable to said city court.

Powers of
judge and
officers. Sec. 22. Be it further enacted, That the judge of said city court shall have power to cause testimony to be taken and used *de bene esse*, and for the purpose of perpetuating testimony within his jurisdiction in all cases according to the general laws of this State, and the judge and all other officers of said city court shall have power, respectively, to administer all oaths pertaining to their office, as the judge and other officers of the superior court may in like cases do; and said judge shall also have power to attest deeds and other papers, and administer affidavits in all cases anywhere in this State in which, by existing laws, such papers may be attested

and the affidavits administered by justices of the peace of this State; and the judge of said city court shall have all the power and authority throughout his jurisdiction of judges of the superior courts, except where by law exclusive power and authority are vested in the judges of the superior courts, and all laws relating to and governing judges of the superior courts shall apply to the judge of said city court, so far as the same may be applicable, except as herein provided.

Sec. 23. Be it further enacted, That said city court of Waycross shall be a court of record, and shall have a seal, and the minutes, records, order, and other books and files that are required by law, and rules to be kept for the superior court shall be kept in and for said city court, and in the same manner; and all laws applicable to the duties of the clerk and sheriff in said superior court shall apply to them in said city court, except where they conflict with the provisions of this Act. Court of record.

Sec. 24. Be it further enacted, That all laws regulating the enforcing of judgments of the superior court, whether civil or criminal, shall apply to said city court, and executions shall issue and be levied, and sales be had thereunder under the same rules and laws regulating the same in the superior court. judgments, enforcement of.

Sec. 25. Be it further enacted, That the judge of said city court shall have the same power to enforce his orders, to preserve order, punish for contempt, and enforce all his judgments as is vested by law in the judges of the superior courts of this State. Contempt.

Sec. 26. Be it further enacted, That it shall be the duty of the clerk of said city court of Waycross to prepare and file in his office a complete copy of the traverse jury list of the superior court of Ware county, as provided from time to time for such superior court. From said copy so made traverse jurors in said city court shall be drawn in the following manner: The clerk of said city court of Waycross shall write upon separate tickets the names of each traverse juror, and shall number the same and place the same in a box to be prepared for the purpose, from which shall be drawn all traverse jurors as now required by law in the superior courts. All laws with reference to the drawing of, selecting and summoning traverse and tales traverse jurors in the superior courts shall apply to said city court. All exemptions from jury duty now of force in the county of Ware shall apply and be of effect in said city court. Jury list.

Sec. 27. Be it further enacted, That all laws in reference to the qualifications, relations, impaneling, finding, and challenging jurors now of force in this State, or hereafter to be enacted by the General law applicable.

Waycross, City Court of Established.

General Assembly, regulating the same in the superior courts shall apply to and be observed in said city court, except when inconsistent with the provisions of this Act.

Juries. Sec. 28. Be it further enacted, That from said panel of twenty-four traverse jurors drawn and summoned by the provisions of this Act, the judge of said city court shall cause to be made up two juries, which shall be known and distinguished as juries number one and two; and all cases and issues to be tried by jury, civil or criminal, at that term of said city court shall be tried by one of these, or by a jury stricken from both, as hereinafter provided. In case from any cause said panel should be reduced below twenty-four, the judge of said court shall have power to fill it by causing talesmen to be summoned instanter. In criminal cases tried at a regular term of said court, the defendant shall be entitled to seven peremptory challenges, and the State five; and in all civil cases the plaintiff and defendant shall be each entitled to six peremptory challenges; and all laws and rules, both civil and criminal, regulating the selection of juries in the superior courts shall apply to said city court, except where they are inconsistent with the terms of this Act.

Bailiffs Sec. 29. Be it further enacted by the authority aforesaid, That the judge of said court is authorized to appoint at each term of said court not exceeding two bailiffs as officers of said court.

Accusations. Sec. 30. Be it further enacted by the authority aforesaid, That the defendants in criminal cases in said city court of Waycross may be tried on written accusations setting forth plainly the offense charged, founded on affidavit made by the prosecutor; said affidavit shall be made before said judge, or other officer authorized to issue warrants, and said accusation shall be signed by the prosecutor and the prosecuting officer in said court. Upon such affidavit and accusation being made and signed and filed in the clerk's office of said court, it shall be the duty of the judge of said court to issue a warrant for the apprehension and arrest of the defendant, directed to the sheriff of said city court of Waycross, or his deputy, and to all and singular the sheriffs and constables of said State. Before the arraignment of defendant, the said judge shall inquire of him whether he demands an indictment, and the response of the defendant shall be endorsed on said accusation and signed by the prosecuting officer in said court. If the defendant demands indictment, the judge of said court shall, in the event of the inability of the defendant to furnish proper bail, which shall be signed for his appearance to answer such indictment as may be found against him, conformable to the general law of bail in criminal cases, commit said

Waycross, City Court of Established.

defendant to the common jail of said county to await the action of the grand jury in such cases. In the event a true bill is found, or special presentment made, in such cases and returned to said city court of Waycross, all subsequent proceedings shall be in conformity with the laws regulating the trial of misdemeanors in the superior courts. If the defendant waives indictment, the judge of said court shall inquire of him whether he demands a trial by jury, and the response of the defendant shall be endorsed on said accusation and signed by the prosecuting officer in said court. If the defendant demands a trial by jury, the judge of said court shall proceed with said case, if at a regular term of said court, according to the rules and laws of the superior courts applicable to the trial of misdemeanors. If the defendant demands a trial by jury, and the said court is not sitting at a regular term, the judge shall admit the defendant to bail to appear at the next regular term, or on defendant's failure to give bond, shall commit him to jail until the next regular term of said court. If the defendant waives trial by jury then the said judge shall proceed to hear and determine such criminal cases conformably to the law governing the superior courts as the same may be applicable; *provided, always*, that a reasonable time may be granted to the State or the defendant to procure witnesses.

Sec. 31. Be it further enacted, That the judge of the superior court may send down from the superior court of Ware all present-^{Transfers from superior court.}ments and bills of indictment for misdemeanors to said city court for trial, and all civil causes of which said city court has jurisdiction to try which are now pending in Ware superior court, the order so transmitting such cases to be entered on the minutes of both of said courts.

Sec. 32. Be it further enacted, That it shall be the duty of all the justices of the peace and notaries public of Ware county to bind over to said city court all persons charged with offenses committed within the limits of Ware county over which said city court has jurisdiction to answer for said offenses. ^{Commitment.}

Sec. 33. Be it further enacted, That a writ of error shall be direct from the said city court to the supreme court of this State upon a bill of exceptions filed under the same rules and regulations as govern and control the issue of writs of error and filing of bills of exceptions in the superior courts of this State. ^{Writ of error.}

Sec. 34. Be it further enacted, That in all cases in said court, ^{Practice.}the same powers and rights of parties as to the waiver in pleading or procedure, or other matters pertaining to the same, shall be

Waycross, City Court of Es'tablished.

allowed and upheld as allowed and upheld by the laws and rules governing parties in the superior courts.

Transfers
from
county
court of
Ware
county.

Sec. 35. Be it further enacted, That all cases, civil and criminal, now pending and undisposed of in the county court of Ware county shall be and are, hereby transferred to said city court, and the same shall be placed upon the proper docket in said city court, and shall be tried and disposed of as other cases in said city court; all final and other processes now in the hands of the sheriff, bailiffs, or other officers, which are made returnable to the county court, shall be by them returnable to said city court instead of said county court. The judge and other officers of said city court shall have power and authority to issue and enforce in the name of said city court, any and all processes in any case from the county court necessary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of the county court. All records, blanks, and papers disposed of and of file in said county court shall be filed and deposited with the clerk of said city court; that all *fi. fas.* and final processes not satisfied, now in the hands of the bailiff of said city court, shall be levied and enforced by the sheriff of said city court and returns thereof made to said city court.

New trial.

Sec. 36. Be it further enacted, That the judge of said city court shall have power to grant a new trial in any case, civil or criminal, in his court upon the same terms and conditions, and under the same laws and regulations, in every respect, governing the granting of new trial in the superior courts. All rules of pleading, practice, and procedure governing motions, rules *nisi* and other proceedings in new trials in the superior courts shall apply to and govern the same in said city court.

Fees of
jurors.

Sec. 37. Be it further enacted, That all jurors in said city court shall receive one dollar per day for their service for every day of actual attendance, and shall be paid in the same manner and under the same rules and regulations as jurors in the superior courts.

Joint
obligors.

Sec. 38. Be it further enacted, That all suits against joint obligors, joint promissors, copartners, or joint trespassers, in which any one or more resides in the county of Ware, may be brought in said court within its jurisdiction, as already stated, under the same rules and regulations governing such cases in the superior courts, *mutatis mutandis*, as to copies, second originals, returns, and other matters connected with the suit.

Practice.

Sec. 39. Be it further enacted, That all rules of the superior court relating to continuances, motions, pleas and practice shall be applicable to said city court and shall obtain therein.

Waycross, City Court of Established.

Sec. 40. Be it further enacted, That the solicitor of said court shall for his services in the supreme court be paid out of the treasury of the State, by warrant drawn by the Governor upon certificate of the clerk of the supreme court as to the performance of such services, and the certificate of the clerk of the city court of the insolvency or acquittal of defendant. Solicitor's fees.

Sec. 41. Be it further enacted, That the first term of said court to which a case is brought shall be the appearance or return term, the second shall be the trial or judgment term, and all the laws, rules and practice in said court with reference to the terms thereof and to the continuances, pleadings and trials of causes therein, shall be the same as in superior court, unless otherwise provided in this Act. Appearance term.

Sec. 42. Be it further enacted, That whenever the judge of said city court is from any cause disqualified from presiding and the judge of the superior court cannot from any cause preside in said court as provided for in the Constitution, then upon consent of the parties or upon their failure or refusal to agree, said cause shall be tried by a judge *pro hac vice*, selected in the same manner as now provided for in the superior courts. Disqualifications of judge.

Sec. 43. Be it further enacted, That on the first Monday of each month, or on any day previous to each first Monday he may deem proper to do so, the judge of said court shall distribute the fines and forfeitures arising from cases tried in said court. Said fines and forfeitures shall be distributed as follows: All bills for insolvent costs due the solicitor of said court, the sheriff and the clerk, shall be approved by the judge of said court and entered upon the minutes thereof, and shall be a lien upon all the fines and forfeitures raised in said city court superior to all other claims for insolvent costs; and when the judge distributes such fines and forfeitures he shall pay the same to the solicitor of said court, the sheriff and the clerk *pro rata* on their bills for insolvent costs for fees in cases in said city court; and when said bill of insolvent costs of the solicitor of said court, sheriff and clerk are fully paid the judge shall order the surplus paid to the person who by law acts as the treasurer of Ware county, which surplus shall be by him placed to the credit of the fine and forfeiture fund of said county and distributed as now provided by law. In cases tried in said city court which have been transferred from the superior court the solicitor-general and clerk of the superior court and the sheriff shall have the right to share *pro rata* in all fines and forfeitures arising from said transferred cases before any surplus is paid into the Insolvent costs.

 Baxley, City Court of, Trial Term of Certain Cases.

county treasury; *provided, always*, that in all cases in which the justice of the peace or notary public and *ex officio* justice of the peace has bound over any offender to said court or to the superior court, and the case is afterwards transferred to said city court, the justice of the peace or notary public and *ex officio* justice of the peace so binding over shall be entitled to share as to his costs in the particular case with the sheriff, clerk and the solicitors-general upon the same terms in any fine or forfeiture that may arise therefrom.

Court
house,
books, etc.

Sec. 44. Be it further enacted, That said court shall be held at the court-house of Ware county, and the board of commissioners of roads and revenues for the county of Ware shall provide the necessary books for keeping the dockets, minutes and records of said city court.

Repealing
clause.

Sec. 45. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 11, 1897.

 BAXLEY, CITY COURT OF, TRIAL TERM OF CERTAIN CASES.

No. 339.

An Act to regulate the practice in the city court of Baxley so as to make the appearance term the trial term of suits in which the amount involved does not exceed one hundred dollars.

City court
of Baxley.
trial term.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That in all suits brought or transferred to the city court of Baxley where the amount involved does not exceed one hundred dollars (\$100.00) the appearance term shall be the trial term of said case.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

Appling, County Court of Abolished.—Calhoun, County Court of Abolished.

APPLING, COUNTY COURT OF ABOLISHED.

No. 152.

An Act to repeal an Act entitled an Act to establish a county court for Appling county, approved December 13, 1893. .

Section 1. Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same, That the above cited Act, establishing a county court in Appling county, in and for said county, approved December 13, 1893, the same is hereby repealed. County court of Appling abolished.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 1, 1897.

CALHOUN, COUNTY COURT OF ABOLISHED.

No. 170.

An Act to abolish the county court of Calhoun county.

Section 1. Be it enacted by the General Assembly of Georgia, and is hereby enacted by authority of the same, That from and after the passage of this Act, the county court of the county of Calhoun shall be abolished. County court of Calhoun abolished.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 3, 1897.

 Carroll County, City Court of Abolished.

CARROLL COUNTY, CITY COURT OF ABOLISHED.

No. 273.

An Act to abolish the city court of Carroll county, and to make disposition of the pending business therein, and for other purposes pertaining thereto.

City court
of Carroll
county
abolished.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That so soon as this Act shall go into effect as hereinafter provided the city court of Carroll county, established by recommendation of the grand jury of said county under Act of the General Assembly approved October 19th, 1891, shall be abolished.

Cases in
transferred
to city
court of
Carrollton.

Sec. 2. Be it further enacted, That all cases pending in said city court of Carroll county shall be by this Act transferred to the city court of Carrollton of said county to be disposed of therein; *provided*, that the city court of Carrollton is not established, then to the superior court of Carroll county.

Writs, how
returned.

Sec. 3. Be it further enacted, That all mesne and final process from said city court of Carroll county which has not been executed shall be returnable to the city court of Carrollton, and all claims, illegalities and other issues arising from the execution of such process shall be returnable to the city court of Carrollton aforesaid, as though issued therefrom; *provided*, that the city court of Carrollton is not established, then to the superior court of Carroll county.

Sec. 4. Be it further enacted, That all mesne and final process from the city court of Carroll county not executed by the officers now having authority to execute the same, may be executed by the proper officers of the city court of Carrollton; *provided*, the city court of Carrollton is not established, then the officers of the superior court of Carroll county.

Records
trans-
ferred.

Sec. 5. Be it further enacted, That all dockets, minutes, records, books and papers of the city court of Carroll county shall be turned over to the clerk of the city court of Carrollton; *provided*, that the city court of Carrollton is not established, then to the clerk of the superior court of Carroll county.

Certioraris.

Sec. 6. Be it further enacted, That all cases pending in the superior court of said county on writs of *certiorari* when disposed of by the superior court, if new trials are granted, shall be by this Act transferred to the city court of Carrollton, and if new trials are

Clinch, County Court of Abolished.

not granted, that the final judgments in such cases shall have the same effect as if the city court of Carroll county had not been abolished by this Act, and shall be determined in and relate to the city court of Carrollton; *provided*, that the city court is not established, then finally disposed of by the superior court of Carroll county.

Sec. 7. Be it further enacted, That this Act shall go into effect on the first day of July, 1898.

Sec. 8. Be it further enacted, That all laws in conflict with this Act be, and the same are, hereby repealed. Repealing
clause.

Approved December 21, 1897.

CLINCH, COUNTY COURT OF ABOLISHED.

No. 268.

An Act to repeal an Act entitled an Act to abolish the county court of Clinch county, and for other purposes, approved October 19, 1885, so far as the same relates to the repealing of an Act creating, organizing and establishing a county court in each county of this State, except certain counties therein mentioned, approved January 19, 1872, and all Acts amendatory thereof, so far as they relate to the county of Clinch.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That so much of the above recited Act as relates to the repealing of an Act creating, organizing and establishing a county court in each county of this State, except certain counties therein mentioned, approved January 19, 1872, and all Acts amendatory thereof, so far as the same applies to the county of Clinch, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

Coffee County, City Court of Abolished.

COFFEE COUNTY, CITY COURT OF ABOLISHED.

No. 208.

An Act to repeal an Act entitled "An Act to establish the city court of Coffee, in and for the county of Coffee; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof; to define their powers and duties, and for other purposes," approved December 16, 1895; to provide for the proper disposition of all cases, unfinished business, books, papers and records in said court; to abolish said court, and for other purposes.

City court of Coffee abolished. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That so soon as this Act shall go into effect, as hereinafter provided, the city court of Coffee county, established by the above recited Act approved December 16, 1895, shall be abolished and the Act creating and establishing said court, and all amendments thereof, shall be repealed.

Cases transferred to city court of Douglas. Sec. 2. Be it further enacted, That all cases pending in said city court of Coffee county and all unfinished business in said court of every nature, shall be transferred to the city court of Douglas; and that all records, files, etc., of said city court of Coffee county shall be turned over to the clerk of the city court of Douglas.

Sec. 3. Be it further enacted, That this Act shall go into effect immediately upon the passage and approval of an Act of the General Assembly of this State to establish the city court of Douglas in the city of Douglas, Coffee county, but this Act shall not be effective until the above mentioned Act shall become a law, at which time said Act of December 16, 1895, establishing said city court of Coffee, shall be repealed, and said court abolished, as hereinbefore provided.

Repealing clause. Sec. 4. Be it further enacted, That all laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 9, 1897.

Dougherty, County Court of Abolished.

DOUGHERTY, COUNTY COURT OF ABOLISHED.

No. 262.

An Act to abolish the county court of Dougherty county by repealing so much of the Act entitled "An Act to establish a county court for the counties of Dougherty and Lee," approved August 24, 1872, and all Acts amendatory thereof, as relates to said county court of Dougherty county, to provide for the disposition of business pending therein, and the court papers, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority aforesaid, That so much of the aforementioned Act, and all Acts amendatory thereof, as relates to the county court of Dougherty county, be, and the same are, hereby repealed, and said county court of Dougherty county and the offices of judge, solicitor, clerk, sheriff and other offices of and connected with said court be, and the same are, hereby abolished. This Act to take effect on the first day of January, 1898.

Sec. 2. Be it further enacted by the authority aforesaid, That the civil and criminal business pending and undisposed of in said county court on the first day of January, 1898, shall be transferred to the city court of Albany, when said city court of Albany is established, for trial and final disposition. Such civil business as is thus transferred shall stand for trial at the first quarterly term of said city court, and such criminal business as is thus transferred shall stand for trial at the first monthly term of said city court, and such transferred business shall be tried in the same manner as other civil and criminal business in said city court.

Sec. 3. Be it further enacted by the authority aforesaid, That all *fi. fas.* and other final processes of said county court now unsatisfied shall be executed by the sheriff of said county, and all issues or claims raised by reason of the enforcement of said *fi. fas.*, or other final processes, shall be returned to the city court of Albany for trial and final disposition.

Sec. 4. Be it further enacted by the authority aforesaid, That all records, books and papers now belonging to or appertaining to the said county court, shall be deposited with the clerk of the city court of Albany when established for the purposes specified in this Act, and for their protection, preservation and prosecution.

Jackson County, City Court of Abolished.

Repealing
clause. Sec. 5. Be it further enacted by the authority aforesaid, That all laws and parts of laws militating against this Act are hereby repealed.

Approved December 16, 1897.

JACKSON COUNTY, CITY COURT OF ABOLISHED.

No. 150.

An Act to abolish the city court of Jackson county, to provide that all cases pending therein and all unfinished business, books papers and records thereof be transferred to the city court of Jefferson, and for other purposes.

City court
of Jackson
county
abolished. Section 1. Be it enacted by the General Assembly of Georgia, That so soon as this Act shall go into effect, as hereinafter provided, the city court of Jackson county, established by recommendation of the grand jury, under act approved October 19, 1891, shall be abolished.

Cases in
transferred
to city
court of
Jefferson. Sec. 2. Be it further enacted by the authority aforesaid, That all cases pending in said city court of Jackson county shall be transferred to the city court of Jefferson, to be disposed of as other cases therein.

Writs re-
turnable to. Sec. 3. Be it further enacted by the authority aforesaid, That mesne and final process from the city court of Jackson county, which has not been executed, shall be returned to the city court of Jefferson, and all claims, illegalities and other issues arising from the execution of such process shall be returnable as though such process had issued from the city court of Jefferson.

Sec. 4. Be it further enacted by the authority aforesaid, That all mesne and final process from the city court of Jackson county, not executed when this act goes into effect, may be executed by the officers having the authority to execute similar papers from the city court of Jefferson.

Records,
etc. trans-
ferred. Sec. 5. Be it further enacted by the authority aforesaid, That all dockets, minutes, records and papers of the city court of Jackson county shall be turned over to the clerk of the city court of Jefferson.

Sec. 6. Be it further enacted by the authority aforesaid, That this Act shall go into effect immediately upon the approval of an Act of the present General Assembly to establish the city court of

Lowndes County, City Court of Abolished.

Jefferson in Jackson county, but this Act shall not be effective until the Act above mentioned shall become a law.

Sec. 7. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved November 30, 1897.

LOWNDES COUNTY, CITY COURT OF ABOLISHED.

No. 157.

An Act to abolish the city court of Lowndes county; to provide for the disposition of the business pending therein, and all of the court papers, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That ^{City court of Lowndes county abolished.} the city court of Lowndes county be, and the same is, hereby abolished.

Sec. 2. Be it further enacted, That all suits now pending in the said court shall be transferred to the city court of Valdosta, established in the city of Valdosta, and in and for the county of Lowndes. ^{Cases in transferred to city court of Valdosta.}

Sec. 3. Be it further enacted, That all *fi. fas.* and other final processes of said city court of Lowndes county now unsatisfied shall be executed by the sheriff of said county, and all issues or claims raised by reason of the enforcement of said *fi. fas.* or other final processes shall be returned to the said city court of Valdosta for trial and final disposition. ^{Writs returnable to}

Sec. 4. Be it further enacted, That all records, books, and papers now belonging to or appertaining to the said city court of Lowndes county shall be deposited with the clerk of the said city court of Valdosta. ^{Records, etc transferred.}

Sec. 5. Be it further enacted, That the provisions of this Act shall not go into force, and be of effect, until the passage and approval by the Governor of "An Act to establish the city court of Valdosta, in the city of Valdosta, and in and for the county of Lowndes; to define its jurisdiction and powers; to provide for the appointment of a judge and other officers thereof; to define the powers and duties of the judge and the other officers thereof, and for other purposes."

 Monroe County, City Court of Abolished.

Repealing
clause. Sec. 6. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 2, 1897.

 MONROE COUNTY, CITY COURT OF ABOLISHED.

No. 324.

An Act to abolish the city court of Monroe county, to provide that all cases pending therein and all unfinished business, books, papers and records thereof be transferred to the city court of Forsyth.

City court
of Monroe
county
abolished. Section 1. Be it enacted by the General Assembly of the State of Georgia, That so soon as this Act shall go into effect as hereinafter provided, the city court of Monroe county, established by recommendation of the grand jury under Act approved October 19, 1891, shall be established.

Cases in
transferred
to city
court of
Forsyth. Sec. 2. Be it further enacted by the authority aforesaid, That all cases pending in said city court of Monroe county shall be transmitted to the city court of Forsyth to be disposed of as other cases therein.

Sec. 3. Be it further enacted by authority aforesaid, That all mesne and final processes from the city court of Monroe county which has not been executed shall be returnable to the city court of Forsyth, and all claims, illegalities and all other issues arising from the execution of such processes shall be returnable as though such process had issued from the city court of Forsyth.

Writs re-
turnable to. Sec. 4. Be it further enacted by the authority aforesaid, That all mesne and final process from the city court of Monroe county not executed when this Act goes into effect, may be executed by the officers having the authority to execute similar papers from the city court of Forsyth.

Records,
etc. trans-
ferred. Sec. 5. Be it further enacted by the authority aforesaid, That all dockets, minutes, records, books and papers of the city court of Monroe county shall be turned over to the clerk of the city court of Forsyth.

Sec. 6. Be it further enacted by the authority aforesaid, That this Act shall go into effect immediately upon the approval of an Act of the General Assembly to establish the city court of Forsyth in Monroe county, but this Act shall not be effective until the Act above mentioned shall become a law.

Spalding County, City Court of Abolished.

Sec. 7. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

SPALDING COUNTY, CITY COURT OF ABOLISHED.

No. 220.

An Act to abolish the city court of Spalding county, to provide that all cases pending therein and all unfinished business, books, papers and records thereof be transferred to the city court of Griffin, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That so soon as this Act shall go into effect as hereinafter provided, the city court of Spalding county, established by recommendation of the grand jury, under Act approved October 19, 1891, shall be ^{City court of Spalding county abolished.} abolished.

Sec. 2. Be it further enacted by the authority aforesaid, That ^{Cases in transferred to city court of Griffin.} all cases pending in said city court of Spalding county shall be transferred to the city court of Griffin, to be disposed of as other cases therein.

Sec. 3. Be it further enacted by the authority aforesaid, That ^{Writes returnable to} all mesne and final process from the city court of Spalding county, which has not been executed, shall be returnable to the city court of Griffin, and all claims and illegalities and other issues arising from the execution of such process shall be returnable as though such process had issued from the city court of Griffin.

Sec. 4. Be it further enacted by the authority aforesaid, That all mesne and final process from the city court of Spalding county not executed when this Act goes into effect, may be executed by the officers having the authority to execute similar papers from the city court of Griffin.

Sec. 5. Be it further enacted by the authority aforesaid, That ^{Records, etc. transferred.} all dockets, minutes, records, books and papers of the city court of Spalding county shall be turned over to the clerk of the city court of Griffin.

Sec. 6. Be it further enacted by the authority aforesaid, That this Act shall go into effect immediately upon the approval of an Act of the present General Assembly to establish the city court of

. Taylor, County Court Abolished.

Griffin in Spalding county, but this Act shall not be effective until the Act above mentioned shall become a law.

Repealing
clause. Sec. 7. Be it further enacted by the authority aforesaid, That all laws in conflict with this Act be, and they are, hereby repealed. Approved December 14, 1897.

TAYLOR, COUNTY COURT ABOLISHED.

No. 269.

An Act to repeal an Act entitled An Act to amend the county court laws as regards Taylor county, and to provide for the appointment of a county solicitor for said county, and for other purposes, approved December 9, 1893, to abolish said county court of Taylor county, and for other purposes.

County
court of
Taylor
abolished. Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, that an Act entitled an Act to amend the county court laws as regards Taylor county, and to provide a solicitor for said county, and for other purposes, approved December 9, 1893, be, and is hereby repealed, and that the county court of said county is hereby abolished.

Sec. 2. Be it further enacted by the authority aforesaid, That all cases pending in said court at the time of the passage of this Act be, and the same are, hereby transferred to the superior court of said county.

Cases in
trans-
ferred. Sec. 3. Be it further enacted by the authority aforesaid, That the judge of said county court shall immediately after the passage of this Act, or soon thereafter, cause to be turned over to the clerk of the superior court of Taylor county all dockets, bills, civil and criminal, of said county court, together with all papers in each of said cases pending in said court, and the declarations, pleas, demurrers, accusations, and all papers of the cases that were pending and undisposed of in said county court at the time of the passage of this Act.

Repealing
clause. Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

Ware County, County Court of Abolished.—Lee County, Fees of Solicitor in County Court of.

WARE COUNTY, COUNTY COURT OF ABOLISHED.

No. 216.

An Act to repeal an Act entitled an Act to create a county court in each county in the State of Georgia, except certain counties therein mentioned, approved January 19, 1872, and all Acts amendatory thereof, so far as the same applies to the county of Ware.

Section 1. Be it enacted by the General Assembly of Georgia, That the above recited Act and all amendments thereof, as now embodied in the Code of 1895, from sections 4170 to 4217, inclusive, be, and the same are, hereby repealed, so far as they apply to the county of Ware, and the county court of said county of Ware is hereby abolished; *provided, however*, that this Act shall not go into effect until the passage of an Act to create a city court of Waycross, in the county of Ware. County court of Ware abolished.
Act goes into effect when.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 11, 1897.

LEE COUNTY, FEES OF SOLICITOR IN COUNTY COURT OF.

No. 331.

An Act to alter and amend an Act entitled an Act to establish a county court for the counties of Dougherty and Lee so far as the same relates to Lee, approved August 24, 1872, by stipulating and better defining the duties of the solicitor in cases coming before such court, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That it shall be the duty of the county solicitor of said county of Lee to prosecute all cases originating in said county court, and all cases which may be transferred to said county court from the superior court of said county, an equitable division being arranged between the solicitor-general and county solicitor as to all cases in which bills are drawn on presentments made by said solicitor-general. Solicitor of county court of Lee county, fees of.

Sec. 2. Be it further enacted by the authority aforesaid, That it

Lee County, Fees of Solicitor in County Court of

Indict-
ment.

shall be the duty of the county solicitor of said county court to make up and sign all bills, presentments and other papers necessary in cases which arise in said county court and on which the defendants have demanded an indictment before the grand jury of said county, when said bills are so passed they shall be made returnable to the county court, and the proceedings thereon shall be the same as an accusation in said court.

Certiorari.

Sec. 3. Be it further enacted by the authority aforesaid, That it shall be the duty of the county solicitor to represent the State in cases which arise in *certiorari* from the indictments or presentments specified in section two of this Act, and shall be vested with full power over the same.

Repealing
clause.

Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

Austell, Town of, Public School, *Pro Rata* Part of School Fund,

TITLE II.

EDUCATION.

ACTS.

Austell, Town of, Public School, *pro rata* Part of School Fund.
 Culloden, Public Schools for, Established *pro rata* Part of School Fund.
 Dahlonaga, Amending Law for Public Schools of.
 Lumpkin, Board of Education for, How Elected,
 McRae, Public Schools for.
 Oxford, Public Schools for, Law of Amended.
 Raccoon Public School Fund, How Expended.
 Rome, Amending Act Establishing Public Schools,
 Perry, Authorizing Sale of Houston Female College.
 Putnam County, Public Schools for.
 Fulton County, Treasurer of Board of Education.
 Glynn County, Special Tax for Public Schools of.

AUSTELL, TOWN OF, PUBLIC SCHOOL, *PRO RATA* PART OF SCHOOL FUND.

No. 259.

An Act to amend an Act establishing a system of public schools in and for the town of Austell, Cobb county, Georgia, to provide for the building of school houses and raising revenue to maintain the same, approved November 11, 1889, so as to require the county school commissioner of the county of Cobb to pay over to the board of education of said Austell public schools the *pro rata* share of the free school fund on all pupils residing in Cobb county of school age attending said public schools, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act it shall be the duty of the board of education of the Austell public schools to have prepared

Public
school of
Austell to
have its
pro rata
part of
school
fund.

Culloden, Public Schools for Established, *Pro Rata* Part of School Fund.

and furnished the county school commissioner of Cobb county each year a list of all the pupils residing in Cobb county entitled to the State school fund in attendance upon said Austell public schools, and said school commissioner shall pay over to said board of education such proportion of said educational fund of Cobb county as said pupils are entitled to under the rules of distribution.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

CULLODEN, PUBLIC SCHOOLS FOR ESTABLISHED, *PRO RATA*
PART OF SCHOOL FUND.

No. 199.

An Act to establish a system of public schools for the city of Culloden, in the county of Monroe; to provide for the support and maintenance of same by taxation and otherwise; to create a board of education therefor; to authorize and require the county school commissioner of Monroe county to pay to said board of education of said city their *pro rata* share of the State school funds, for the children attending said school.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of same, the corporate authorities of the city of Culloden having so recommended, That there shall be established in the city of Culloden, in the county of Monroe, a system of public schools to be maintained and conducted as hereinafter prescribed.

Sec. 2. Be it further enacted, That on a petition of one-third of the legally qualified voters of the city of Culloden, voting in the last general municipal election last preceding this application, the mayor and city council shall order an election to be held to determine the question of establishing and maintaining a system of public schools in said city. All persons shall be entitled to vote at said election who are entitled to vote in the municipal elections in said city, and under the general qualifications prescribed by the Constitution of the State of Georgia; and those favoring said public school system shall have written on their ballots "For Public Schools" and those opposed shall have written on their ballots "Against Public Schools." Said election shall be held as elections for mayor and city council, and ten days' notice of the same shall be

Culloden,
public
schools
for.

Election
for public
schools.

How held.

Culloden, Public Schools for Established, *Pro Rata* Part of School Fund.

given by publication in either the *Culloden Herald* or the *Monroe Advertiser*, and by posting same in any public place in said city; and if two-thirds of the legally qualified voters in said city shall vote for public schools at said election, then this Act shall become operative. There shall not be an election held more than once in twelve months if the result is against public schools. At the expiration of two years after the establishment of said public schools, on application of one-third of the legally qualified voters of said city of Culloden the numbers to be determined as aforesaid, then the mayor and city council shall order an election to be held under the same terms and regulations as set forth above in this section to determine the question of abolishing said system of public schools, at which election all persons voting in favor of the continuance of said schools shall have written on their ballots "Against Repeal," and those voting to abolish said schools shall have written on their ballots "For Repeal," and if a majority of the qualified votes cast at said election shall be "For Repeal," the system provided for in this Act shall be abolished, but if a majority of votes cast be against repeal then this system shall be continued. Election to abolish.

Sec. 3. Be it further enacted, That at said election there shall be elected a board of education, consisting of five persons, citizens of said city, and any person eligible for the office of mayor or member of the city council shall be eligible as a member of said board. The members of said board shall hold their office for two years from the date of such election or until their successors are elected and qualified, and there shall be an election biennially from the date of the first election to elect successors of the first incumbents of the board, said elections to be held under the same terms and regulations as prescribed for the first election. Board of education.

The said board shall have the power to sue and be sued, to take and hold real and personal property that they may acquire by purchase, donation or otherwise, in trust for the purpose set forth in this Act; to go to the City of Culloden in case the system of public schools are abolished; *provided*, that all property donated shall be subject to the conditions and limitations specified in the deed of gift. Incorporated.

Sec. 4. Be it further enacted, That said board shall elect a chairman, a secretary and treasurer from their number (but the duties of the last two may be performed by the same person), who shall perform such duties as may be required of them by the board. The secretary and treasurer shall give such bond with good security, in an amount to be fixed by the board, for the faithful performance Officers of board.

Culloden, Public Schools for Established, *Pro Rata* Part of School Fund.

of their duties, and for the safe keeping and proper disbursement of the funds raised or received by said board for school purposes.

They shall not pay out any money except upon order of said board. If vacancies occur on said board they shall be filled by election by the people, unless the same occur within one year of the expiration of the term of office, in which case they shall be filled by an election by the board.

Powers
of board.

Sec. 5. Be it further enacted, That said board shall have the power to determine the length of the scholastic term, its beginning and close: may adopt such a system and course of study as may deem proper, and may make such arrangements with any educational institutions that are now in said city, or that may be in said city, that they may deem proper to carry out the provisions of this Act; they may charge such entrance fees that they may deem proper, but not to exceed ten dollars per annum, and may provide for the admission of children living without the city limits of the city on the payments of such fees as the board may prescribe and fix. Said board shall require the teachers selected under this Act to make out a list of the children in attendance under this Act, giving their names, ages and residence. Non-resident pupils, whose parents or guardians, or who themselves pay school tax within the city, shall have a reduction from the tuition charged such non-resident pupils equal to the amount of the tax so paid, but if the amount of said tax paid exceeds the tuition charged such non-resident pupils, then said pupils shall pay the entrance fee charged resident pupils.

School tax.

Sec. 6. Be it further enacted, That said board shall, as early as practicable after the beginning of the scholastic year, determine what amount of money is necessary to defray the expenses of running said schools for the ensuing year, and shall put the same before the mayor and city council, who shall proceed at once to levy and collect the same, and, when collected, shall be turned over to said board, which shall be expended in carrying out the purpose of this Act; *provided*, that the rate of taxation under this Act shall not exceed one quarter of one per cent. per annum.

Pro rata
part of
State
school
fund.

Sec. 7. Be it further enacted, That the county school commissioner of Monroe county shall pay over to the officer designated by said board the *pro rata* share of the State and county school fund coming to the children taught in the schools established under this Act, to be by the board expended in the maintenance of said schools; and the board shall require the teachers to make out a list of the children entitled to said fund, that the same be properly estimated and distributed.

Dahlonega, Amending Law for Public Schools of.

Sec 8. Be it further enacted, That the said board shall make arrangements to teach all children in said city in the course of study they may prescribe according to the provisions of this Act; and the said board is vested with all necessary power to accomplish this purpose not inconsistent with this Act and the Constitution of said State, including the election of a superintendent, and the election of teachers if necessary; but there shall be a separate school for the whites and blacks, and to separate the sexes if, in their judgment, they think best.

Curriculum.

Superintendent.

Separate schools for whites and blacks.

Sec. 9. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing clause.

Approved December 8, 1897.

DAHLONEGA, AMENDING LAW FOR PUBLIC SCHOOLS OF.

No. 160.

An Act to amend an Act entitled an Act to establish a system of public schools in the town of Dahlonega; to empower the mayor and council of said town to levy and collect a tax for the support and maintenance thereof; to provide for the issuance of bonds of said town for the purpose of purchasing school property, building schoolhouses, etc.; to create a board of school commissioners of said town; to authorize and require the county school commissioner of Lumpkin county to pay or turn over to said school board such part of the State and county school fund as may be the just *pro rata* share of said town, and for other purposes, approved December 17, 1894, so as to provide for the registration of the voters of said town who participate in the elections provided for in said Act, and for other purposes.

Section 1. The General Assembly of Georgia do enact, That the Act establishing a public school system in the town of Dahlonega, approved December 17, 1894, and recited in the foregoing caption, be and the same is hereby amended as follows: By adding at the end of section 16 of said Act the following words, to wit:

Public schools for Dahlonega.

Provided, that prior to any election hereafter had under the provisions of this Act there shall be a registration of the persons qualified to vote at such election, which registration shall be opened thirty days and closed ten days prior to the day of the elec-

Registration of voters.

Dahlonaga, Amending Law for Public Schools of.

Legality of
registration may
be con-
tested.

tion. Said registration shall be made by the clerk of the council of said town in a book to be kept by him for that purpose. No person shall be allowed to register who is not a *bona fide* resident of said town, and who is not otherwise qualified to vote, as hereinbefore provided. It shall be lawful for any taxpayer of said town to contest the legality of the registration of any voter, by filing notice thereof with the mayor of said town, which notice shall state the grounds, and shall be filed not later than five days before such election.

Contest,
how heard.

Illegal
registra-
tion.

Decision
final.

Clerk shall
furnish list
to man-
agers.

List con-
clusive.

Law for, as
amended.

The mayor and council shall at once hear such contest, after giving not less than one day's notice to the person whose right to register is contested, and shall have the right to direct the names of such persons as are found to be illegally registered to be excluded from the list of qualified voters to be made up from the registration book. The decision of said mayor and council shall be final. The clerk of the council shall, on the day appointed for an election under this Act, and before the polls are opened, furnish the managers of the election a list of the persons registered for said election, and such list shall be conclusive as to who are the qualified voters entitled to vote at such election." So that said section, as amended, shall read as follows: Sec. 16. Be it further enacted by the authority aforesaid, That the matter embraced in sections 14 and 15 may be submitted to the voters of said town, as a separate proposition before simultaneously with, or after the matter embraced in section 13; *provided*, that prior to any election hereafter had under the provisions of this Act there shall be a registration of the person qualified to vote at such election, which registration shall be opened 30 days and closed 10 days prior to the day of election. Said registration shall be made by the clerk of the council of said town in a book to be kept by him for that purpose. No person shall be allowed to register who is not a *bona fide* resident of said town, and who is not otherwise qualified to vote as hereinbefore provided. It shall be lawful for any taxpayer of said town to contest the legality of the registration of any voter by filing notice thereof with the mayor of said town, which notice shall state the grounds, and shall be filed not later than 5 days before such election. The mayor and council shall at once hear such contest, after giving no less than one day's notice to the person whose right to register is contested, and shall have the right to direct the names of such persons as are found to be illegally registered to be excluded from the list of qualified voters to be made up from the registration book. The decision of said mayor and

Lumpkin, Board of Education for, How Elected.

council shall be final. The clerk of the council shall, on the day appointed for an election under this Act, and before the polls are opened, furnish to the managers of the election a list of the persons registered for said election, and such list shall be conclusive as to who are qualified voters entitled to vote at such election.

Sec. 2. It is further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 31, 1897.

LUMPKIN, BOARD OF EDUCATION FOR, HOW ELECTED.

No. 326.

An Act to amend an Act entitled "an Act to establish a public school system in the town of Lumpkin, in the county of Stewart; to provide for the maintenance of the same; to create a board of education for the government of the same; to require the county school commissioner of Stewart county to pay over to the board of education of said town the *pro rata* share of the State school fund for all the pupils attending schools established in said town, and for other purposes, approved October 16th, 1889, by striking out the words "said board" after the word "that" and before the word "shall" in the fourth line of section 11 of said Act, and inserting in lieu thereof the words "the town council of said town," so as to change the method of electing the board of education of said town.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That section 11 of an act to establish a public school system for the town of Lumpkin, in the county of Stewart; to provide for the maintenance of the same; to create a board of education for the government of the same; to require county school commissioners of Stewart county to pay over to the board of education of said town the *pro rata* share of the State school fund for all the pupils attending the schools established in said town, and for other purposes, approved October 16th, 1889, by striking out the words "said board" after the word "that" and before the word "shall" in the fourth line of section 11 of said Act and inserting in lieu thereof the words "the town council of said town" so that said section when amended shall read as follows: Be it further enacted,

Lumpkin,
board of
education
for, how
elected

McRae, Public Schools for.

That E. P. Pearson, Henry B. Everett, Welborn F. Clarke, Frederick S. Singer and F. B. Gregory be and are hereby appointed and constituted the board of education for the town of Lumpkin. That the town council of said town shall fill all vacancies occurring in said body by death, resignation, removal from said town, expiration of term of office or otherwise, and three members of said board shall constitute a quorum for the transaction of all the duties and business of said board, and no person residing without the limits of said town of Lumpkin shall ever be a member of said board.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

McRAE, PUBLIC SCHOOLS FOR.

No. 260.

An Act to establish public schools for the town of McRae, Telfair county, to authorize and empower the mayor and council of said town to levy and collect a tax for the support and maintenance thereof, to create a board of education of public schools for said town, to authorize the county school commissioner of Telfair county to pay to said board of education of public schools such part of the State school fund as may be the proper *pro rata* amount on account of the pupils in said public schools, and for other purposes.

McRae
public
school.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act there shall be established in the town of McRae, in said State, a system of public schools, supported and provided for in the manner hereinafter set forth.

Trustees
named.

Sec. 2. Be it further enacted, That the following named persons, to wit: W. B. Folsom, T. W. Boothe, C. B. Parker, Tom Eason, J. L. Wilcox, J. F. Cook, G. S. Davis, L. L. Campbell and W. T. Pullen are hereby made the board of education for said town, and shall enter upon their duty as such as soon as this Act is approved by the vote of the people as hereinafter provided for and that fact declared by the proclamation of the mayor.

Vacancies
filled.

Sec. 3. Be it further enacted, That all vacancies in said board of education, caused by death, resignation or removal from said

McRae, Public Schools for.

town, shall be filled by the remaining members of the board from citizens of said town.

Sec. 4. Be it further enacted, That said board of education shall have authority to devise, design and adopt a thorough system of public instruction in said town, and shall have exclusive jurisdiction over all the schools established under said system and modify the same from time to time as circumstances may require; establish such schools as they may deem proper, not exceeding one for the white race and one for the colored race; no white child shall attend the colored school and no colored child shall attend the white school; to appoint, remove or suspend teachers in their discretion; to fix salaries of teachers, to prescribe a curriculum or course of study; to make such by-laws for the control and government of said schools as they think proper, and to do all lawful acts conducive to the proper and successful operation of said school system. ^{Authority of trustees.}

Sec. 5. Be it further enacted, That the mayor and council of said town shall each year levy such tax upon all the property in said town subject to taxation as will be sufficient when added to the town's *pro rata* part of the State school fund to support and maintain said schools for at least nine scholastic months in each year, and shall collect the same by the first of April in each year and pay over the same to said board of education, which fund shall be used to provide buildings, for the payment of teachers of the public schools herein provided for; *provided, however*, that said tax shall not exceed three-fourths (3-4) of one per cent. per annum upon said taxable property. ^{Tax.}

Sec. 6. Be it further enacted, That after the ratification of this Act by the election hereinafter provided for, it shall be the duty of the county school commissioner of Telfair county, and he is hereby required, to pay over to said board of education that portion of the public school fund of said county to which the schools in said town may be entitled under the laws of Georgia and the rules of distribution under which the county board of education assigns to the schools of the county their *pro rata* share of the school funds under existing laws. ^{Common school fund.}

Sec. 7. Be it further enacted, That all children following the prescribed course of study whose parents, guardians or natural protectors reside within the corporate limits of said town, or whose parents, guardians or natural protectors do not reside within the incorporate limits, but who own property in said town to the value of one thousand dollars (\$1,000) shall be entitled to the benefits of this Act while attending said schools, and said board may provide ^{Admission to.}

Oxford, Public Schools for, Law of Amended.

for the admission of any residing out of said limits upon such terms and conditions as to said board seem reasonable and just.

Incidental
fee.

Sec. 8. Be it further enacted, That said board may in their discretion prescribe incidental fees for the children who attend said school, not to exceed seventy-five cents per year, and with the exception of the payment of such fees as are by this section provided, said schools shall be open free to all children entitled to the benefits of this Act for nine scholastic months in each year.

Election.

Sec. 9. Be it further enacted, That before this Act shall become operative, its adoption shall be submitted to the qualified voters of said town, for which purpose the mayor and council of said town shall order an election, of which two weeks' notice shall be given after the passage of this Act in the *Telfair Yoeman* and the *Telfair Enterprise*, and such other notice may be given as the said mayor and council may direct, which election shall be held under the same rules and regulations as elections for mayor and council of said town, and the qualifications of voters shall be same. Those in favor of this system shall have written or printed on their tickets "For Schools," and those opposed to it "Against Schools." If two-thirds of the persons qualified to vote at such election cast their votes "For Schools" then this Act shall become operative; if the result shall be "Against Schools" said mayor and council shall submit the same at another election in the same manner as hereinbefore provided, after an interval of six months, upon the petition of one-third of the qualified voters of the town, and may do so from time to time upon such petition.

Repealing
clause.

Sec. 10. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

OXFORD, PUBLIC SCHOOLS FOR, LAW OF AMENDED.

No. 315.

An Act to amend an "Act to provide a system of public schools for the town of Oxford, in the county of Newton, to provide for the maintenance and support of the same, to create a board of school commissioners, and for other purposes pertaining thereto," approved December 5, 1895.

Section 1. Be it enacted by the General Assembly of Georgia. That from and after the passage of this Act, section 6 of the Act

Raccoon, Public Schools, Funds of, How Expended.

providing a system of public schools for the town of Oxford, in the county of Newton, shall be, and the same is, hereby repealed.

Oxford, public school law amended. Repealing clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

RACCOON, PUBLIC SCHOOLS, FUNDS OF, HOW EXPENDED.

No. 304.

An Act to amend an Act entitled an Act to establish a system of free schools in the town of Raccoon, Chattooga county, to provide for the maintenance and government thereof, and for other purposes, approved December 23, 1896, by striking from section 3 of said Act the words "by the board of education of said county upon any plan which said board may adopt in distributing the public school fund to the country schools of the county," and inserting in lieu thereof the words "by the school population of said town."

Section 1. Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same, That an Act to establish a system of free schools in the town of Raccoon, of Chattooga county, to provide for maintenance and government thereof, and for other purposes, approved December 23, 1896, be amended by striking from section three of said Act the words "by the board of education of said county upon any plan which said board may adopt in distributing the public school fund to the country schools of the county" and inserting in lieu thereof the words "by the school population of said town," so that when said section is amended it shall read as follows:

Act establishing public schools for Raccoon amended.

"Sec. 3. Be it further enacted by the authority of the same, That the school commissioner of the county of Chattooga is hereby authorized and required to pay over to said person as the mayor and council of the town of Raccoon may authorize to receive the same for the use of said schools, under such rules and regulations as said mayor and council may prescribe, the proportion of the common school fund arising from any source belonging to said town, to be estimated by the school population of said town, to be by said authority expended in the establishment and maintenance of said free school as authorized and directed by the Constitution and laws of the State."

As amended.

Rome, Amending Act Establishing Public Schools.

Repealing
clause.

Sec. 2. Be it further enacted by the authority of the same, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 18, 1897.

ROME, AMENDING ACT ESTABLISHING PUBLIC SCHOOLS.

No. 258.

An Act to amend an Act to establish a system of public schools in the city of Rome, and to provide for the support and maintenance thereof, and for other purposes, so as to require the State school commissioner to pay the city *pro rata* of the school fund to the city treasurer, and so as to require the mayor and city council to levy the tax therein authorized, or so much thereof as may be required by the board of trustees for the public schools of the city of Rome.

Sec. 1 of
Act of Aug.
11, 1881,
amended.

Section 1. Be it enacted by the General Assembly, and it is hereby enacted by authority of the same, That section 1 of the Act entitled "An Act to establish a system of the public schools of the city of Rome, and to provide for the support and maintenance thereof," approved August 11th, 1881, be amended by striking said section, and inserting in lieu thereof the following: "That the mayor and council of the city of Rome are hereby authorized and required, upon the application of the board of trustees for the public schools of said city, to levy and collect annually, in addition to that which they are now authorized to levy, a tax of one-fourth of one per cent. on the real and personal property of said city, or so much thereof as the board of trustees for the public schools of the city of Rome may require."

Tax.

Sec. 5
amended.

Sec. 2. Be it further enacted by the authority aforesaid, That section 5 of said Act, approved August the 11th, 1881, be amended by striking out the first and second lines of said section the words "that the school commissioner of the county of Floyd," and insert in lieu thereof "that the State school commissioner," so that said section, as amended, shall read as follows: "The State school commissioner is hereby authorized and required to pay over to the mayor and council for the use of said public schools, under such rules and regulations as the mayor and council may prescribe, the proportion of the common school fund arising from any source belonging to said city, to be by them expended in the establish-

Common
school
fund.

 Perry, Authorizing Sale of Houston Female College.

ment and maintenance of said public schools as authorized and directed by the Constitution and laws of this State.

Sec. 3. Be it further enacted by the authority aforesaid, That all laws and parts of laws militating against this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 16, 1897.

 PERRY, AUTHORIZING SALE OF HOUSTON FEMALE COLLEGE.

No. 172.

An Act to authorize the trustees of Houston Female College to sell the house and lot in the town of Perry known as Houston Female College, and to make deed thereto, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That a majority of the trustees of Houston Female College are hereby authorized and empowered to sell at private sale, for such sum as may be satisfactory to them, the house and lot owned by them in the town of Perry, Georgia, and known as the Houston Female College; said lot being bounded on north by main street, on east by lot of W. D. Day, on south by the Moore lot and on the west by the lot of Mrs. J. W. Mann. Authorizing trustees to sell Houston Female College.

Sec. 2. Be it further enacted by the authority aforesaid, That said trustees are hereby authorized and empowered to make deed to said described lot, which deed shall be signed by the president and secretary of said board, and shall convey, when signed, a fee simple title to the purchaser. Deed to property.

Sec. 3. Be it further enacted by the authority aforesaid, That said trustees may by a majority vote apply the proceeds arising from said sale to any religious or educational purpose they may see proper. Proceeds.

Sec. 4. Be it further enacted by the authority aforesaid, That all the laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 3, 1897.

PUTNAM COUNTY, PUBLIC SCHOOLS FOR.

No. 211.

An Act to establish and maintain a local public school system in the county of Putnam, outside of the city of Eatonton, to provide for the levy and collection of a special tax in support of same, and for other purposes.

Public
schools for
Putnam
county.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act there shall be established in the county of Putnam, outside of the corporate limits of Eatonton, a local system of public schools to be conducted, maintained, supported and provided for in the manner hereinafter set forth.

Board of
education.

Sec. 2. Be it further enacted, That the board of education of Putnam county shall consist of five members, the members of said board of education to be elected by the grand jury of Putnam county at the spring term of the superior court of said county, and shall hold their office for four years and until their successors are elected and qualified. That the members of the present county board of education of Putnam county shall hold their offices as members of the board of education created under this Act until the terms for which they are elected shall have expired, as follows: R. B. Nisbet, H. R. DeJarnette and N. S. Walker, until March, 1898, and D. R. Adams and W. B. Wingfield until March, 1900. That the grand jury of Putnam county, at the spring term of the superior court of the years when the terms of members of the board of education expire, shall elect their successors for a term of four years; that if there shall be a vacancy by death, resignation, or otherwise, then said vacancy shall be filled for the unexpired term by the grand jury at the first term of the court after such vacancy occurs; that three members of the board of education shall constitute a quorum for the transaction of all business, and each member of said board of education in attendance upon its meetings shall receive a per diem of two dollars for each day said board is in session, to be paid out of the educational fund for the said county.

President,

Sec. 3. Be it further enacted, That the members of the said board of education shall be freeholders, that the said board shall at its first meeting after the passage of this Act and its ratification by two-thirds of the qualified voters of said county as hereinafter provided for, elect one of their own number to be president of said board, who shall serve as such during the term for which he was

chosen a member of said board; the said board shall also at the same time elect a superintendent of public schools of said county, ^{Superintendent.} who shall be *ex officio* secretary of said board, and a treasurer; *provided*, it be left discretionary with the said board to elect the same person to fill both the office of superintendent and treasurer; that ^{Treasurer.} the superintendent and the treasurer, whether the two offices are filled by one or two persons, shall be elected for the term of four years, unless sooner removed for neglect of duty, inefficiency or malfeasance or corruption in office; that the president of said board shall not receive any compensation other than that received by the other members of the said board, but that the superintendent of schools and the treasurer shall receive such salary as the said board shall fix.

Sec. 4. Be it further enacted, That it shall be the duty of the ^{Duties of President.} president of said board to preside over the deliberations of said board, which duty in his absence shall be performed by the president *pro tempore*, to be elected by the said board, and to see that all orders and resolutions of the board are faithfully carried out, and to perform such other duties as the board may determine. The duties of the superintendent of the public schools shall be to ^{Duties of Superintendent.} faithfully look after and superintend the schools established by said board of education, to examine all applicants for the position of teachers in said schools, to make from time to time to said board such recommendations as he may think will increase the efficiency of said schools, to revoke licenses granted by him or his predecessors for incompetency, immorality, cruelty to pupils, or neglect of his duties, and the revocation of the license of any teacher shall terminate the connection of said teacher with any school which he may have been employed to teach; but any teacher so dismissed shall have the right to appeal to the said board of education created under this Act, whose decision shall be final. It shall also be the duty of the said superintendent to act as secretary of said board and to record and preserve all the acts and resolutions of said board, and to perform such other duties as may be imposed upon him by said board. It shall be the duty of the treasurer of said ^{Duties of treasurer.} board to receive, safely keep and pay out under order of the said board all the public school funds of Putnam county provided for in this Act, and to make such reports as the said board may require of him; that the bond of the said treasurer shall be for such sum as the said board may determine, and shall be for the faithful performance of his duties, and for the safe-keeping and properly paying out as ordered of all funds that may come into his hands belonging to the educational fund of said county.

Putnam County, Public Schools for.

Sec. 5. Be it further enacted, That the duties of the said board of education shall be to establish in Putnam county, outside the corporate limits of Eatonton, as many schools as may be necessary for the educational interest of said county; *provided*, that separate schools shall be provided for the white children and the colored children; to provide school houses by building, renting, purchase or otherwise, and to repair the same if deemed advisable; to employ teachers for the schools established after an examination by said board as may be provided; to prescribe the curriculums of all the schools, and to arrange courses of study; to provide all necessary school furniture and educational appliances when considered best; to fix salaries of teachers, said salaries to be paid in such manner and at such time as the board may prescribe; to make and receive and hold titles to all property that said board may acquire by purchase, lease, gift or otherwise; to make such by-laws, rules and regulations for the government of the board and of the schools, and for the receiving and paying out of all funds as they may deem necessary; and said board shall have all the rights and powers, other than those mentioned, that the county boards of education of this State now have, and such other rights and powers not mentioned as may be necessary in carrying out the provisions of this Act.

Sec. 6. Be it further enacted, That the funds necessary for establishing, maintaining, and supporting said public schools shall be derived as follows: (1) the board of commissioners of roads and revenues of said county of Putnam, in order to raise a fund supplemental to the *pro rata* share of the State public school fund belonging to Putnam county, and sufficient in amount, in connection with said *pro rata* share, to operate successfully the said schools for the number of months hereinafter provided for, is hereby authorized, empowered and required to levy each year after the passage of this Act and its ratification by a vote of two-thirds of the qualified voters of said county of Putnam as hereinafter provided, a special tax as the said board of education may recommend on all the property, real and personal, in said county, outside the corporate limits of the city of Eatonton, subject to taxation, which said tax shall be collected by the tax-collector of said county at the same time and in the same manner as he collects the State and county taxes, and said tax-collector shall pay said tax as he collects it to the treasurer of the said board of education of Putnam county; *provided*, that should this Act be approved in an election, by two-thirds of the qualified voters of the said county of Putnam, at any time in 1898 before March 1st, said year (the regular limit for

Putnam County, Public Schools for.

making the tax assessment for State and county taxes), then the said levy for the said special tax shall be made and collected in 1898. If, however, the said Act should fail to receive in 1898 the prescribed two-thirds vote of the qualified voters of the said county, then the said levy shall be made the same year in which it may thereafter receive the necessary two-thirds vote; (2) the State school commissioner is hereby authorized and required to pay to the treasurer of the board of education of Putnam county the *pro rata* share of the State public school fund belonging to Putnam county without the said board making the itemized statement now required by law; (3) the board of education may require of the now resident pupils, and of pupils under or over legal school age, admitted into such schools, such tuition fee as they may fix.

Pro rata
part of
State
school
fund.

Tuition of
non-resi-
dents.

Sec. 7. Be it further enacted, That the funds received from the source hereinbefore mentioned shall constitute the educational fund of Putnam county, and shall be in the hands of the treasurer, and be paid on the order of the board of education for the purpose of carrying out the objects of this Act.

School
fund, how
disbursed.

Sec. 8. Be it further enacted, That all said schools established under the provisions of this Act shall be open for not less than seven months or more than nine months in each year, and shall be absolutely free to all children between the ages of six and eighteen years of age whose parents, guardians or natural protectors reside within county of Putnam, and outside the corporate limits of Eatonton; *provided*, that the board of education shall have the authority to indicate the school that any child or children shall attend, and to fix a maximum and minimum number of pupils that may or shall attend any school, and to close said school at any time that said school shall fall below the minimum of attendance required. After the passage of this Act and its ratification by two-thirds of the qualified voters of Putnam county, it shall be left to the discretion of the board of education as to the time for the opening of the schools established under said Act; *provided*, said date for opening shall not be later than the first Monday in January following said enactment and ratification.

School
year.

Free
schools.

Sec. 9. Be it likewise enacted, That any member of said board of education shall, for inefficiency, corruption, or malfeasance in office, be removed from said board by the grand jury of Putnam county.

Removal of
member of
board.

Sec. 10. Be it likewise enacted, That all contracts with said board of education shall on the part of the board of education be signed by the superintendent and approved by the president, except the contracts with the teachers, which shall be signed by the

Contracts
of board.

Putnam County, Public Schools for.

superintendent alone acting under the authority of the board of education.

Election.

Sec. 11. Be it further enacted, That this Act shall be submitted to an election for approval or disapproval by the qualified voters of Putnam county residing without the corporate limits of the city of Eatonton on any day fixed by the ordinary of said county of Putnam, in compliance with recommendation of two successive grand juries and a petition of fifty freeholders who reside outside the limits of Eatonton; *provided*, that fifty days' public notice of such election shall first be given in the newspaper in which sheriff's advertisements are published, and by posting such notice at the court-house door for the same length of time. The ordinary of Putnam county is hereby authorized and required to cause said election to be held throughout the said county of Putnam, outside the limits of Eatonton, on the day fixed as above provided for, and cause the same to be held in the manner set forth in this Act. Those voters favoring public schools and this Act shall have written or printed on their ballots "For public schools," and those opposing shall have written or printed on their ballots "Against public schools." That said election shall be held in the same form and manner as elections for members of the General Assembly of this State are held, except that the consolidated returns shall be made to the ordinary of Putnam county, who shall determine the result of said election. Said returns of said election shall be made at 12 o'clock m. on the day following said election. If public schools in this Act should be favored by a two-thirds vote of the persons qualified to vote at said election, the ordinary shall so declare in writing, and his declaration shall be published twice in the newspaper in said county in which the sheriff's advertisements are published, and after said publication this Act shall take effect and be of force.

Subsequent elections.

Sec. 12. Be it further enacted, That should this Act fail to receive the necessary two-thirds vote of those persons qualified to vote in the first election, it may again be submitted each twelve months thereafter until it receives the necessary two-thirds vote of those persons qualified to vote, and upon the petition of fifty freeholders of said county of Putnam outside of the corporate limits of Eatonton, the ordinary of said county shall cause the said elections upon this Act to be held from time to time every twelve months after the date of the first election, until it receives the said two-thirds vote of those qualified to vote; *provided*, that thirty days' public notice of such elections shall first be given in the newspaper in

Fulton County, Treasurer of Board of Education.

which the sheriff's advertisements are published. Said subsequent election or elections shall be held under the same regulations as are provided in section 11 of this Act.

Sec. 13. Be it further enacted, That nothing in this Act shall alter or abridge the authority of the school boards of Eatonton, or in any way repeal or alter the Act creating the system of Eatonton; and the board of education created by this Act is required to pay over to said school boards of Eatonton the sums that the said board of education may from year to year appropriate to the white and colored schools respectively within the corporate limits of Eatonton, out of Putnam county's *pro rata* share of the public school fund. ^{Eatonton schools.}

Sec. 14. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. ^{Repealing clause.}

Approved December 10, 1897.

FULTON COUNTY, TREASURER OF BOARD OF EDUCATION.

No. 338.

An Act to amend an Act to establish and maintain a local public school system in the county of Fulton, outside of the city of Atlanta, and of the town of East Point, to provide for the levy and collection of a special tax in support of same, and for other purposes, approved November 17th, 1896, so as to make the treasurer of Fulton county the treasurer of the board of education of Fulton county.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, that section 3 of the Act approved November 17th, 1896, providing for a system of public schools in Fulton county, be amended by striking out all of said section 3 and inserting in lieu thereof the following, which shall be section 3 of said Act: That the members of said board of education shall be freeholders; that the said board shall at its first meeting after the passage of this Act elect one of their own number as president of said board, who shall serve as such during the period for which he was chosen a member of said board; the said board shall also at the same time elect a superintendent of public schools who shall be *ex officio* the secretary of said board; that the superintendent shall hold office for a term of four years unless sooner removed for neg- ^{Treasurer of board of education of Fulton county.}

Glynn County, Special Tax for Public Schools of.

lect of duty, inefficiency or malfeasance or corruption in office; that the president of said board shall not receive any compensation other than that received by the other members of said board, but that the superintendent of schools shall receive such salary as the board shall fix; that the county treasurer of Fulton county shall be *ex officio* the treasurer of the board of education of Fulton county, and shall not receive additional compensation therefor.

Sec. 2. Be it likewise enacted, That said Act be further amended by striking from section 4 of said Act after the words "require of him" in the 18th line of said section the following words: "that the bond of said treasurer shall be for such sum as the board may determine, and shall be for the faithful performance of his duties and for the safe-keeping and properly paying out as ordered of all funds that may come into his hands belonging to the educational fund of said county."

Repealing
clause.

Sec. 3. Be it likewise enacted, That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Approved December 21, 1897.

GLYNN COUNTY, SPECIAL TAX FOR PUBLIC SCHOOLS OF.

No. 257.

An Act to authorize the commissioners of roads and revenues of Glynn county, Georgia, to levy a special tax for the benefit of the public schools of said county, and for other purposes.

Author-
izing tax.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the board of commissioners of roads and revenues of the county of Glynn be, and they are, hereby authorized to assess and levy and have collected annually by levy and sale, as in other cases for the collection of taxes, in addition to that now allowed by law for educational purposes and for the purpose of maintaining public schools in said county, an extra or special *ad valorem* tax upon the taxable property in the limits of said county of Glynn of not more than (1-5) one-fifth of one per centum; *provided*, that said tax shall not be used for any other purpose.

Election.

Sec. 2. Be it further enacted, That before this Act shall take effect the board of commissioners of roads and revenues of said county shall order an election, giving at least ten days' notice, to ascertain the sense of the qualified voters of said county. At said

Glynn County, Special Tax for Public Schools of.

election, should this question be decided affirmatively by the majority prescribed in the Constitution of this State, it shall be the duty of the tax-collector of said county to collect a tax as authorized by section first of this Act.

Sec. 3. Be it further enacted, That any election under this Act ^{How held.} shall be held under same rules as govern elections for members of the General Assembly of this State, and notice required under this Act shall be by publication in the newspaper publishing the official notices of said county, and posting at the court-house door.

Sec. 4. Be it further enacted, That all laws and parts of laws ^{Repealing clause.} conflicting with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

Appling County, Dispensary for.

TITLE III.

MISCELLANEOUS.

ACTS.

Appling County, Dispensary for.
 Bulloch County, Liquor, Penalty for Illegal Sale in.
 Elbert County, Liquor, Distilling Prohibited.
 Franklin County, Liquor, Sale of for Medicinal Purposes.
 Harris County, Liquor, Distilling Prohibited.
 Hart County, Liquor, Sale of for Medicinal Purposes.
 Meriwether County, Liquor, Manufacture of Prohibited.
 Terrell County, Dispensary for.
 Warren County, Liquor, Sale of Prohibited.
 Blakely, Town of, Dispensary for.
 Morgan, Town of, Dispensary for.
 Camden County, to Quiet Titles to Lands Therein.
 Jones County, Sale of Seed Cotton in.
 Liberty County, Butchering Cattle, Sheep or Hogs Therein.
 Clayton County, Commutation or Road Tax.
 Charlton County, Mileage of Jurors and Bailiffs.
 Berrien County, Firing Woods or Grass of Another Prohibited.
 Bryan County, Road Law for Repealed.
 Lee County, Protection of Fish in Streams of.
 Rabun County, Protection of Fish in Tallulah River and Tributaries.
 Bibb County, Protection of Fish in Waters of.
 Wilkes County, Bicycle Ways Protected.

APPLING COUNTY, DISPENSARY FOR.

No. 214.

An Act to repeal an Act approved February 20th, 1877, amended and approved October 2d, 1879, further amended and approved September 26th, 1883, regulating the license for the sale of spirituous and intoxicating liquors in Appling county, and enacting in lieu thereof a dispensary for said county, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia,

 Appling County, Dispensary for.

and it is hereby enacted by authority of the same, That the Act approved February 20th, 1877, amended and approved October 2d, 1879, further amended and approved September 26th, 1883, regulating the license for the sale of spirituous or intoxicating liquors in Appling county, be and the same is hereby repealed, and in lieu thereof the following shall be enacted.

Acts regulating sales of liquor in Appling county repealed.

Sec. 2. Be it further enacted, That the ordinary of Appling county, with C. W. Deen, T. L. Hall, S. A. Crosby and A. M. McLauchlin, shall constitute a dispensary commission for said county. They shall establish a dispensary in the city of Baxley for the sale of spirituous, vinous and malt liquors, and at such other town as may be recommended by the grand jury, and where the provisions of this Act can be properly enforced. They shall have general supervision and control of the dispensary and see that the law relative thereto is enforced. They shall make a report semi-annually to the grand jury of all business done by the dispensary during the preceding six months, of all expenses incurred, and cost for running the same and profit arising therefrom.

Dispensary commission, its powers and duties.

Sec. 3. Be it further enacted, That said commission shall purchase a sufficient stock of spirituous, malt and vinous liquors and place the same for sale in said dispensary. They shall not allow any article sold in said dispensary unless the same has been analyzed by the State chemist, or by some reputable chemist, and his certificate attached thereto. Said liquor shall be sold only in original unbroken packages of not less than one pint for malt liquors and one-half pint for spirituous liquors, and no package shall be broken in said dispensary or the contents drank therein.

Regulations.

Sec. 4. Be it further enacted, That said commissioners shall appoint a vender for said dispensary at a salary not to exceed \$50.00 per month, who shall be a citizen of Appling county, not less than 24 years of age and of good moral character. Said vender shall give to said commission a bond with good security in the sum of five thousand dollars (\$5,000) for the faithful performance of all the duties as vender. Said commission shall have the right to fine or remove the vender at any time for neglect or failure upon his part to perform the duties as required by this Act. The vender shall subscribe to the following oath: I (A B) do solemnly swear that I will perform the duties as vender in said dispensary; that I will not sell or give to any minor any intoxicating liquors; that I will not sell or give to any habitual drunkard or intoxicated person any spirituous or intoxicating liquors; that I will not sell to any person whom I may receive written notice not to sell from any

Vender. Salary.

Bond.

Oath.

 Appling County, Dispensary for.

parent or relative; that I shall faithfully perform all the duties required of me as vender to the best of my ability, so help me God." And said oath shall be entered upon the minutes in the ordinary's office of said county.

Hours. Sec. 5. Be it further enacted, That said dispensary shall be kept open during the hours of 8 o'clock a. m. and 5 o'clock p. m. daily, except on Sundays, and on all other days which by law now require all places where liquors are sold to be closed. The vender shall allow no one to enter said dispensary after the closing hour or any package or parcel to be taken therefrom, except by written consent of not less than three of the commission.

Duties of vender. Sec. 6. Be it further enacted, That said vender shall keep in a book a record of stock on hand and of all sales made daily and to whom made, and of stock received. He shall make weekly statements to said commission of each day's sales, and shall pay to said commission all the proceeds from said sales made, and shall keep on file the receipts therefrom. He shall not allow any person or persons to loiter in or about said dispensary, and no person shall be allowed to break or open any package purchased from the vender, and no one shall be allowed to drink any spirituous, vinous or malt liquors in said dispensary. Failure to enforce this shall subject the vender to removal or fine not to exceed one hundred dollars for each offense.

Profits. Sec. 7. Be it further enacted, That said commission shall pay one-half of all the profits of said dispensary to the county school commissioner of Appling county, to be used for educational purposes, as may be recommended by the board of education. In addition they shall pay one-half of the profits to the treasurer of the city of Baxley to be used as directed by the council of said city.

Sign. Sec. 8. Be it further enacted, That said commission shall have placed over the door of said dispensary a sign as follows, "Public Dispensary," also the hours of opening and closing. No other article except liquors, and that in the manner herein prescribed, shall be allowed sold from said dispensary or carried in stock of the same.

Other sales prohibited. Sec. 9. Be it further enacted, That no spirituous, vinous or malt liquors shall be sold within the borders of Appling county except from said dispensary and in the manner herein prescribed by this Act, and any person selling spirituous, vinous or malt liquors in said county shall be guilty of a misdemeanor and shall be punished as prescribed by section 1039, Revised Code, 1895; *provided*, this section does not apply to the vender appointed by said commission.

Bulloch County, Liquor, Penalty for Illegal Sale in.

Sec. 10. This Act in no way to interfere with general law of this Wines. State in regard to the sale of domestic wines.

Sec. 11. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 10, 1897.

BULLOCH COUNTY, LIQUOR, PENALTY FOR ILLEGAL SALE IN.

No. 246.

An Act to amend the caption of an Act approved September 5th, 1879, which was an Act entitled an Act to prescribe the method of granting license to sell spirituous or intoxicating liquors in the county of Bulloch, and increase the fee for the same to five thousand dollars, by adding in the caption at its close the following words: "To provide a penalty for its illegal sale, and for other purposes."

Section 1. Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by authority of the same, That an Act approved September 5th, 1879, which is an Act to prescribe the method of granting license to sell spirituous or intoxicating liquors in the county of Bulloch, and to increase the fee for the same to five thousand dollars, be, and the same is, hereby amended by adding in the caption of said Act at its close the following words, to wit: "To provide a penalty for its illegal sale, and for other purposes," so that said caption when amended will read as follows: "An Act to prescribe the method of granting license to sell spirituous or intoxicating liquors in the county of Bulloch, and to increase the fee for the same to five thousand dollars; to provide a penalty for its illegal sale, and for other purposes." Bulloch county, penalty for illegal sale of liquor in.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 16, 1897.

Elbert County, Liquor, Distilling Prohibited.—Franklin County, Liquor, Sale of for Medicinal Purposes.

ELBERT COUNTY, LIQUOR, DISTILLING PROHIBITED.

No. 182.

An Act to prohibit the distilling or manufacture of spirituous and intoxicating liquors in the county of Elbert, to make the same penal, and to provide a penalty therefor, and for other purposes.

Distilling
liquor in
Elbert
county
prohibited.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act it shall be unlawful for any person to distill or manufacture,* either by himself or by his agent or employee, any spirituous and intoxicating liquors in the county of Elbert, and any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and on conviction shall be punished as prescribed in section 1039 of the Penal Code of Georgia of 1895; *provided*, that nothing in this Act shall prohibit the manufacture of domestic wines.

Repealing
clause.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 6, 1897.

FRANKLIN COUNTY, LIQUOR, SALE OF FOR MEDICINAL PURPOSES.

No. 139.

An Act to amend an Act, approved September 24th, 1883, entitled an Act to regulate and prohibit the sale of intoxicating, spirituous or malt liquors in the county of Franklin, after submitting the same to the qualified voters of said county; prescribe a penalty for the violation of the same, by inserting in the eighth line of section 3, after the word "medicinal," the words "purposes when prescribed by the attending physician, and for sacramental purposes."

Sale of
liquor in
Franklin
county for
medicinal
and sacra-
mental
purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That section 3 of the Act approved September 24th, 1883, the title of which forms the caption of this Act, be, and the same is hereby amended by inserting in the eighth line of section 3, after the word "medicinal," the words "purposes when prescribed by the attending practicing physician, and wine for sacramental purposes, so

Harris County, Liquor, Distilling Prohibited.

that said section, thus amended, shall read as follows: Be it further enacted, That it shall be the duty of the ordinary to carefully consolidate the returns of said election, and a majority of the votes cast are for prohibition, he shall declare the same, and have it published in the same paper, and for the same length of time, as the notice of the election was published; and from and after that time it shall be unlawful to sell intoxicating, spirituous or malt liquors of any kind, in any quantity, in said county, except for medicinal purposes, when prescribed by the attending practicing physician, and wine for sacramental purposes, and any person or persons, their agents, employes or clerks, violating the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction for the same shall be punished as prescribed in section 1039 of volume 3 of the Code of 1895; and if the result is against prohibition, he shall so declare it, but no publication shall be necessary in a public gazette. All the proceedings before said ordinary shall be entered on the minutes of his court.

Sec. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved November 29, 1897.

HARRIS COUNTY, LIQUOR, DISTILLING PROHIBITED.

No. 183.

An Act to prohibit the manufacture of distilled spirits within the limits of the county of Harris, and to prescribe a penalty therefor.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That from and after the first day of March, 1898, it shall not be lawful for any person or persons to manufacture, in any quantity, any distilled spirits in the county of Harris. Distilling in Harris county prohibited

Sec. 2. Be it further enacted by the authority aforesaid, That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section 1039 of the Penal Code of 1895. Penalty.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing clause.

Approved December 6, 1897.

HART COUNTY, LIQUOR, SALE OF FOR MEDICINAL PURPOSES.

No. 167.

An Act to amend an Act entitled "An Act to amend an Act entitled an Act to prohibit the sale of alcoholic, spirituous or malt liquors or intoxicating bitters in the county of Hart, and for other purposes therein named, approved September 4th, 1883, by repealing section 6 of said Act, and substituting in lieu thereof a system to establish, regulate and maintain an agent in the county of Hart for the purpose of selling intoxicating liquors for medicinal purposes only, and for other purposes, approved September 24th, 1891, by striking from said caption all the words following the words "Said Act" in the fourth line thereof, which authorize a system to establish, regulate and maintain an agent in the county of Hart for the purpose of selling intoxicating liquors for medicinal purposes only, and for other purposes, by repealing all the provisions of said Act approved September 24th, 1891, after the words "hereby repealed" in the fifth line of section 1 of said Act, which provisions provide a system establishing, regulating and maintaining an agent in the county of Hart for the purpose of selling intoxicating liquors for medicinal purposes only and for other purposes; to declare of legal force and effect the provisions of said Act approved September 4th, 1883, as amended by the repeal of section 6 thereof by section 1 of said Act approved September 24th, 1891, and for other purposes.

Sale of
liquor in
Hart
county for
medicinal
purposes.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, the caption of an Act of the General Assembly, approved September 24th, 1891, the caption of which is quoted in the preceding caption to this Act, be, and the same is, hereby amended by striking from said caption all the words following the words "said Act" in the fourth line thereof, which authorize a system to establish, regulate and maintain an agent in the county of Hart for the purpose of selling intoxicating liquors for medicinal purposes only and for other purposes, so that said caption, when thus amended, shall read as follows: "An Act to amend an Act entitled an Act to prohibit the sale of alcoholic, spirituous or malt liquors, or intoxicating bitters, in the county of Hart, and for other purposes therein named, approved September 4th, 1883, by repealing section 6 of said Act.

Sec. 2. Be it further enacted, That all the provisions of said

Meriwether County, Liquor, Manufacture of Prohibited.

Act approved September 24th, 1891, after the words "hereby re- Same.
pealed," in the fifth line of section one of said Act, which provisions provide a system establishing, regulating and maintaining an agent in the county of Hart for the purpose of selling intoxicating liquors for medicinal purposes only, and for other purposes, be, and the same are, hereby repealed, so that said Act, when thus amended, shall read as follows: "That from and after the passage of this Act, section 6 of an Act of the General Assembly approved September 4th, 1883, the caption of which is quoted in the foregoing caption, be, and the same is, hereby repealed.

Sec. 3. Be it further enacted, That the provisions of said Act, Same.
approved September 4th, 1883, as amended by the repeal of section 6 thereof, by section one of said Act, approved September 24th, 1891, are hereby declared to be of legal force and effect.

Sec. 4. Be it further enacted, That all laws and parts of laws Repealing
in conflict with this Act be, and the same are, hereby repealed. clause.

Approved December 3, 1897.

MERIWETHER COUNTY, LIQUOR, MANUFACTURE OF PROHIBITED.

No. 158.

An Act to make it unlawful to manufacture any alcoholic, spirituous, malt or intoxicating liquors, except domestic wines, in the county of Meriwether, and to prescribe a penalty for violating the same, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, Manu-
That from and after the passage of this Act it shall be unlawful to ture of
manufacture any alcoholic, spirituous, malt or intoxicating liquors, liquor in
except domestic wine, in the county of Meriwether. Meriwether
county
prohibited.

Sec. 2. Be it further enacted, That any person or persons violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section 1039 of volume 3 of the Code of 1895.

Sec. 3. Be it further enacted, That all laws and parts of laws in Repealing
conflict herewith be, and the same are, hereby repealed. clause.

Approved December 2, 1897.

 Terrell County, Dispensary for.

TERRELL COUNTY, DISPENSARY FOR.

No. 221.

An Act to prohibit the sale of spirituous, vinous and malt liquors and intoxicating bitters and ciders in the county of Terrell, except as in this Act provided; to regulate and control the sale thereof through the medium of dispensaries, one to be located in the city of Dawson and one also in each of the several incorporated towns in said county, on recommendation of the municipal authorities of said towns; to establish and perpetuate a board of commissioners for the management of such dispensaries, and to prescribe their powers and duties, and for other purposes.

Sale of
liquor in
Terrell
county, ex-
cept as
herein pro-
vided, pro-
hibited.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same, That from and after the first day of January, 1898, it shall not be lawful to sell within the county of Terrell any spirituous, vinous, or malt liquor and intoxicating bitters and ciders, except as provided for in subsequent sections of this Act, and any person, on and after that day, who may do so shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not to exceed one thousand dollars, imprisonment not to exceed six months, to work in the chain-gang on the public works, or on such other works as the county authorities may employ the chaingang, not to exceed twelve months; and any one or more of these punishments, in the discretion of the judge. No municipal authorities of any city or town in said county shall have authority after the passage of this Act to grant or renew any license for the sale of spirituous, vinous or malt liquors and intoxicating bitters and ciders.

Dispensary
commis-
sion.

Incorpo-
rated.

Sec. 2. Be it further enacted by the authority aforesaid, That the persons now holding the position of commissioners of roads and revenues of Terrell county, and their successors to be elected by the grand jury of said county, shall be known as the dispensary commissioners in and for said county of Terrell, and the same are hereby constituted a body corporate under the name and style of dispensary commissioners of Terrell county, for the purpose of establishing a dispensary or dispensaries in said county for the sale of spirituous, vinous or malt liquors and intoxicating bitters and ciders. Said commissioners shall have power to elect from their board a chairman by the majority vote of their board of commissioners, and said board shall have power to sue and be sued, plead

Terrell County, Dispensary for.

and be impleaded in all courts of this State. Said dispensary commissioners provided for in this Act, before entering upon the discharge of their duties as such shall take and subscribe, before some qualified officer, an oath that they will faithfully and honestly discharge all the duties imposed upon them by this Act; and the same are hereby constituted a body corporate under the name and style of dispensary commissioners of Terrell county for the purpose of establishing and maintaining a dispensary or dispensaries in said county for the sale of spirituous, vinous or malt liquors and intoxicating bitters and ciders.

Sec. 3. Be it further enacted, That the ordinary of Terrell county shall be the secretary and treasurer of said dispensary commissioners, and for his services as treasurer he shall receive the sum of one hundred dollars annually, to be paid by the commissioners out of any money arising from the dispensary, and said treasurer shall give bond in the sum of not less than two thousand dollars, with good security, to be approved by said board, for all moneys that may come into his hands and for the faithful performance of all duties required of him.

Ordinary
ex officio
secretary
and treasurer.

Sec. 4. Be it further enacted, That the dispensary commissioners provided for in this Act shall maintain at some suitable and convenient point in the city of Dawson, within the fire limits, a dispensary for the sale of spirituous, vinous and malt liquors and intoxicating bitters and ciders. They shall also establish a dispensary in each of the three incorporated towns in said county, to wit: Bronwood, Parrott and Sasser, whenever they may be officially advised that the municipal authorities of either of said towns have, by proper ordinance or resolution, determined that it is desirable to have a dispensary put in operation in such town or towns. When said dispensary commissioners shall have been thus officially advised of the action of such municipal authorities, they shall at once take steps to locate a dispensary at some suitable and convenient place in such town. They shall elect a man, who shall be of good moral character and sober habits, and a citizen of the city or town in which is located the dispensary, to be known as dispensary manager, who shall have charge and control of said dispensary under their supervision. Said manager shall be chosen for the term of one year, but shall be removable at any time by said commissioners for neglect of duty or violation of any law, and said commissioners shall fill his place at once. Said dispensary manager shall be required to take and subscribe an oath that he will faithfully and honestly discharge the duties required of him by

Location
of dispensary.

Manager.

Oath.

Terrell County, Dispensary for.

Bond. this Act. Said dispensary manager shall be required to give bond, with good security, to be approved by the board of commissioners, in such sum as the board may determine, conditioned to faithfully account for all goods and moneys that may come into his hands as such manager, and for the faithful performance of all duties required of him by this Act and by such rules and regulations as the board of commissioners may fix; and his compensation shall not be dependent upon the amount of his sales, but shall be fixed at a certain sum per annum by the said dispensary commissioners.

Stock. Sec. 5. Be it further enacted, That said manager shall, under the direction of said dispensary commissioners, purchase and at all times keep, under the supervision of said commissioners, a stock of spirituous, vinous or malt liquors and intoxicating bitters and ciders, in such quantities as said commissioners may direct. All bills incurred for the maintenance and operation of said dispensary, from time to time, shall be paid by the treasurer upon presentation when approved by a majority of said commissioners. Said manager shall sell only for cash, and shall turn over all moneys received by him to the treasurer of the board, at least once a week, taking said treasurer's receipt for the same.

Regulations. Sec. 6. Be it further enacted, That said dispensary commissioners shall from time to time make rules and regulations for the operation of said dispensary or dispensaries, not in conflict with the provisions of this Act. The quantity of such spirituous, vinous or malt liquors and intoxicating bitters and ciders to be sold to any one purchaser at one time shall not exceed four gallons, and in no event shall the same be furnished in quantities less than half pints; and none shall be drunk in the building or on the premises where said dispensary is located. Said dispensary shall not be opened before sunrise, and be closed each day before sunset, and remain closed on Sundays, election days and such other days as the commissioners may direct. Said manager shall be bound by all the laws of this State regulating the sale of liquor, and all the regulations of said board of commissioners not in conflict with the laws of this State.

Sales. Sec. 7. Be it further enacted, That the manager of said dispensary shall sell to no person or persons any of said spirituous, vinous or malt liquors and intoxicating bitters and ciders, except in sealed packages, and he shall not keep any broken packages in said dispensary, and whenever an original package is broken, it shall be at once bottled and sealed. Said manager shall make a monthly report to said commissioners, showing the amount of sales

Terrell County, Dispensary for.

for the preceding month, and stock on hand on the last day of said month. Said commissioners may cause an inspection and an analysis of the stock on hand, from time to time, by a competent chemist, the expense of which shall be paid out of any funds in the hands of the treasurer.

Sec. 8. Be it further enacted, That the said manager shall not Loitering. allow any person or persons to loiter in or about said dispensary, or on the premises on which it is located, and for failure to enforce this section said manager may be removed from office, and any person or persons refusing to leave said dispensary or the premises on which it is situated when so required, or drink on the premises where the dispensary is located any liquors herein mentioned, and convicted thereof in the mayor's court, may be fined or imprisoned as for the offense of disorderly conduct.

Sec. 9. Be it further enacted, That said dispensary or dispensaries shall be maintained and operated from the profits arising Dispensary, how maintained. from the sales of said spirituous, vinous, or malt liquors and intoxicating bitters and ciders; *provided*, that to inaugurate said dispensary or dispensaries, and purchase the first stock, said board of commissioners are hereby authorized to borrow money or pledge the credit of the board, said obligations to be paid out of the first profits realized from said dispensary. In no event shall the proceeds of one dispensary (in case there may be several established in said county, as provided by section four of this act) be used in operating another, but each must be self-sustaining, or said dispensary commissioners shall discontinue such unproductive and unprofitable dispensary.

Sec. 10. Be it further enacted, That said board of commissioners shall disburse the net profits of said dispensary as follows: Profits. One-half to the county treasurer of Terrell county to be held as other funds belonging to said county, and the other half shall be paid over to the treasurer of the city or town in which is located the dispensary from which said net proceeds may be derived.

Sec. 11. Be it further enacted, That all laws and parts of laws Repealing clause. in conflict with this Act be, and the same are, hereby repealed.

Approved December 10, 1897.

Warren County, Liquor, Sale of Prohibited.—Blakely, Town of, Dispensary for.

WARREN COUNTY, LIQUOR, SALE OF PROHIBITED.

No. 318.

An Act to amend an Act to prohibit the sale and furnishing of spirituous, malt or other intoxicating liquors in the county of Warren, and to provide a punishment for the violation of the same, approved December 12, 1882, so as to include the 159th district G. M. under the provision of said Act.

Sale of liquor in Warren county prohibited. Section 1. Be it enacted by the General Assembly of the State of Georgia, That section 1 of an Act entitled an Act to prohibit the sale and furnishing of spirituous, malt or other intoxicating liquors in the county of Warren, and to provide a punishment for the violation of the same, approved December 12th, 1882, be amended as follows: After the word "Warren," in the fifth line of said section, all of said section be stricken out so that the 159th district, G. M. of said county be included under the provisions of said Act, so that when said section is so amended the section shall read as follows: That from and after the passage of this Act, it shall not be lawful for any person or persons to sell or furnish, either directly or indirectly, any spirituous, malt or intoxicating liquors within the limits of the county of Warren.

Repealing clause. Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 20, 1897.

BLAKELY, TOWN OF, DISPENSARY FOR.

No. 247.

An Act to establish, maintain and regulate a dispensary in the town of Blakely, Early county, Georgia, for the sale of ardent spirits, malt liquors, wines, cider and other intoxicants, and to establish and to perpetuate a board of commissioners for the management of said dispensary, and for other purposes.

Dispensary commission for Blakely. Section 1. Be it enacted by the General Assembly of the State of Georgia, That immediately after the passage of this Act it shall be the duty of the judge of the superior court of the Pataula circuit to appoint five discreet citizens of Early county, three of whom

Blakely, Town of, Dispensary for.

shall be citizens of Blakely, to be the commissioners of a dispensary, as hereinafter provided for, and for the purposes hereinafter mentioned. Said commissioners, when so appointed, shall constitute a body corporate to be known as the "Board of commissioners of the dispensary in Blakely." Whenever a vacancy shall occur in said board the judge of the superior court of said county shall, of his own motion or upon the request of any citizen or citizens of said county, appoint some discreet citizen of said county to fill said vacancy. Any member of said board may be removed at any time after ten days' notice to him by the judge of the superior court, for any malfeasance or malpractice in office by said commissioner, or for any wilful or negligent failure on his part to perform the duties required of him by this Act. Said board shall have the right to elect from their number a chairman, and also to elect a treasurer, who may or may not be one of the members of said board, and he shall be *ex officio* secretary of said board. Any three of said members shall constitute a quorum for the transaction of business.

Incorporated.

Sec. 2. Be it further enacted by the authority aforesaid, That before entering on their duties each member of said board shall subscribe to the following oath, which shall be recorded in the office of the ordinary of said county: "I solemnly swear that I will faithfully and honestly discharge all the duties imposed upon me as a member of the board of commissioners of the dispensary in Blakely, by the Act creating said board and the general law of the land, so help me God."

Oath of commissioners.

Sec. 3. Be it further enacted by the authority aforesaid, That said board of commissioners of the dispensary in Blakely shall maintain at some convenient place in the town of Blakely, Georgia, a dispensary for the sale of ardent spirits, malt liquors, wines, cider and other intoxicants. Immediately upon their qualification and organization said board shall appoint a man of good moral character and sober habits manager of said dispensary, and he shall have charge and control of said dispensary under the supervision of said board. Such manager shall be employed for such time, not longer than one year, as said board may see fit, and shall be removable at any time by said board for neglect or violation of any law or of any of the provisions of this Act or any immoral conduct. Said board shall at all times have authority to appoint a successor to said manager. Every such manager before entering on his duties shall subscribe the following oath, which shall be recorded on the minutes of said board:

Location of dispensary.

Manager.

Blakely, Town of, Dispensary for.

Oath. "I solemnly swear that I will faithfully and honestly perform and discharge all the duties required of me as manager of the dispensary for the sale of ardent spirits, malt liquors, wine, cider and other intoxicants in Blakely, Georgia, according to the provisions of the Act providing for the creation of said dispensary, and that while holding such position I will not knowingly violate or willfully permit violated, any of the laws of this State respecting the sale or the use of any malt, spirituous, vinous or intoxicating liquors, to the best of my skill, knowledge and ability, so help me God;" and in addition to such oath such manager shall also give bond in such sum as shall be required by said board, conditioned that he will account for all goods and moneys that shall come into his hands as such manager, and that he will faithfully perform all duties required of him as such manager, by law, by this Act, or by the lawful regulations of said board. He shall receive such compensation as shall be fixed by the board, but in no event shall his compensation be contingent in any wise on the sales or profits of said business.

Compen-
sation.

Stock. Sec. 4. Be it further enacted by the authority aforesaid, That said manager shall keep on hand in such dispensary, under the supervision of said commissioners, such ardent spirits, malt liquors, wines, ciders, and other intoxicants as the said board may direct. All bills in the operation of said dispensary shall be paid by the treasurer after having been approved by a majority of said board. Said manager shall sell only for cash, and shall turn over the money received by him to the treasurer of said board at such intervals as the board shall direct, taking his receipt for the same in a book provided for that purpose.

Regula-
tions.

Sec. 5. Be it further enacted by the authority aforesaid, That said board of commissioners shall make from time to time rules and regulations for the operation of said dispensary, not in conflict with the provisions of this Act and the general law.

Regula-
tions.

Sec. 6. Be it further enacted by the authority aforesaid, That in addition to such rules and regulations as said board may enact, the following regulations for said dispensary and the management thereof are hereby created:

The quantity of liquor of any kind to be sold to any one person in any one day shall not exceed 4 gallons, and the quantity sold to any one person at any one time shall not be less than one-half pint.

No liquor of any kind shall be drunk on the premises where said dispensary is located.

Blakely, Town of, Dispensary for.

Said dispensary shall not be opened before sunrise, and shall be closed by sunset of each day.

No kind of table, stand, machine, board, device or implement for playing any game shall be allowed or kept or had in the building, or on the premises where said dispensary shall be located.

No person or persons shall congregate or loiter, or be allowed by the manager to congregate or loiter in the buildings or on the premises where said dispensary shall be located.

None of the articles or liquors herein mentioned shall be sold, except in sealed packages, and any package broken shall be instantly resealed.

Said dispensary shall be subject to all the restrictions put upon other people, by law, as to the sale of intoxicants.

Said commissioners may, when they see fit, have said liquors tested or analyzed by competent authority.

Sec. 7. Be it further enacted by the authority aforesaid, That said commissioners shall each receive \$25 per annum for their services. Salary of commissioners.

The compensation of the treasurer of the board and of the manager of the dispensary shall be fixed by the board.

Sec. 8. Be it further enacted, That said commissioners shall make semi-annual reports to the grand jury of Early county showing a full financial statement of its affairs. The books of said board shall ever be subject to the reasonable inspection of any citizen of said county. Reports.

Sec. 9. Be it further enacted, That the said board may sue and be sued may plead and be impleaded, in all the courts of this State, and may buy or contract for such property as are necessary to the purpose of this Act, and shall have authority to encumber the same by mortgage or otherwise. Said dispensary shall be maintained solely by the proceeds of its sale. Corporate powers.

Sec. 10. Be it further enacted, That the board of commissioners shall make at least monthly inspection of all the books, invoices and stock of said dispensary. Inspections.

Sec. 11. Be it further enacted by the authority aforesaid, That the proceeds of said dispensary shall be appropriated first to the payment of such liabilities as shall be incurred in its operation, and then, after retaining an amount sufficient to the maintenance of said dispensary, one-half the remainder shall go into the general fund of the county treasury of Early county, and the other half shall be paid to the school fund of said county, to be managed by the board of education. Proceeds. Profits.

Morgan, Town of, Dispensary for.

Other sales prohibited. Sec. 12. Be it further enacted, That the town of Blakely and all other towns in Early county, and the municipal authorities thereof, are hereby prohibited from licensing the sale of malt, spirituous, vinous, alcoholic or intoxicating liquors or wines or ciders to any other person or persons or corporation, nor shall said municipal authorities impose any tax or license for upon the dispensary established by this Act.

Malfeasance of treasurer or manager. Sec. 13. Be it further enacted, That if any member of said board or the treasurer thereof, or the manager of said dispensary, shall wilfully violate any of the duties imposed by this Act, or if any person shall violate any of the provisions of this Act, the same shall be a misdemeanor under the laws of this State.

Repealing clause. Sec. 14. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.
Approved December 16, 1897.

MORGAN, TOWN OF, DISPENSARY FOR.

No. 195.

An Act to establish, maintain and regulate a dispensary in the town of Morgan, Calhoun county, Georgia, for the sale of ardent spirits, malt liquors, wine, ciders and other intoxicants, and to establish and perpetuate a board of commissioners for the management of said dispensary, to authorize the mayor and council of said town to pass all ordinances to carry out the purposes of this Act, to provide suitable penalties for violations of any of its provisions, to authorize said board of commissioners to borrow money, and for other purposes.

Dispensary commission. Incorporated. Section 1. Be it enacted by the General Assembly of Georgia, That from and after the 1st day of January, 1898, that J. J. Beck, G. W. Calley and T. W. Tinsley be, and the same are, hereby constituted a body corporate, under the name and style of "Dispensary Commissioners of Morgan, Georgia," for the purpose of establishing and maintaining a dispensary in said town, for the sale of ardent spirits, malt liquors, wines, cider and other intoxicants. Said commissioners shall have power to perpetuate the board by filling all vacancies that may occur, by a majority vote of the remaining commissioners, to elect from their number a chairman, a secretary and treasurer, requiring good and sufficient bonds from the secretary and treasurer, to be approved by the board. Said board of

Morgan, Town of, Dispensary for.

commissioners shall have power to sue and be sued, plead and be impleaded, in all courts of this State. The dispensary commissioners provided for in this Act, before entering upon the discharge of their duties as such, shall take and subscribe before some qualified officer an oath that they will faithfully and honestly discharge all the duties imposed upon them by this Act.

Sec. 2. Be it further enacted, That the dispensary commissioners provided for in this Act may maintain at some convenient point in the town of Morgan, within the corporate limits, a dispensary for the sale of ardent spirits, malt liquors, wines, ciders and other intoxicants. They shall on the day after their qualification and organization, and annually thereafter, elect a man who shall be of good moral character and sober habits, to be known as the dispensary manager, who shall have charge and control of said dispensary under their supervision. Said manager shall be chosen for the term of one year, but shall be removable at any time by said commissioners for neglect of duty or violation of any law, and said commissioners shall fill his place at once. Said dispensary manager shall be required to take and subscribe an oath that he will faithfully and honestly discharge the duties required of him by this Act. Said dispensary manager shall also be required to give bond with good security, to be approved by the board of commissioners, in such sum as the board may determine, conditioned to faithfully account for all goods and money that may come into his hands as such manager, and for the faithful performance of all duties required of him by this Act, and by such rules and regulations as the board of commissioners may enact. He shall receive such salary as the board of commissioners may fix, and his compensation shall not be dependent upon the amount of his sales.

Sec. 3. Be it further enacted, That said manager shall, under the direction of said dispensary commissioners, at all times keep under the supervision of said commissioners a stock of ardent spirits, malt liquors, wines, cider and other intoxicants, in such quantities as said commissioners may direct. All bills incurred for the maintenance and operation of said dispensary, from time to time, shall be paid by the treasurer upon presentation when approved by a majority of said commissioners. Said manager shall sell only for cash, and shall turn over all moneys received by him to the secretary of the board each day, who shall keep an account of the same, and shall turn over to the treasurer of the board of commissioners at the expiration of each week, taking said treasurer's receipt for same.

Location of dispensary.

Manager.

Oath.

Bond.

Salary,

Duties of manager.

Morgan, Town of, Dispensary for.

Regulations.

Sec. 4. Be it further enacted, That said dispensary commissioners shall make from time to time rules and regulations for the operation of said dispensary, not in conflict with the provisions of this Act. The quantity of liquor to be sold to any one purchaser at one time shall not exceed four gallons, and in no event shall liquor be furnished in quantities less than half pints, and none shall be drunk in the building or on the premises where said dispensary is located. Said dispensary shall not be opened before sunrise and be closed each day before sunset, and shall remain closed on Sundays, election days, and such other days as the commissioners may direct. Said manager shall be bound by all the laws of this State regulating the sale of liquors, and all the regulations of said board of commissioners not in conflict with the laws of this State.

Sales.

Sec. 5. Be it further enacted, That the manager of said dispensary shall sell to no person or persons any of said ardent spirits, malt liquors, wines, ciders or other intoxicants except in sealed packages, and he shall not keep any broken packages in said dispensary, and whenever an original package is broken it shall be at once bottled and sealed. Said manager shall make a monthly report to said commissioners, showing the amount of sales for the preceding month and stock on hand on the last day of said month. Said commissioners may cause an inspection and analysis of the stock on hand from time to time, by a competent chemist, the expenses of which to be paid out of any funds in the hands of the treasurer.

Loitering prohibited.

Sec. 6. Be it further enacted, That said manager shall not allow any person or persons to loiter in or about said dispensary, or the premises on which it is located, and for failure to enforce this section said manager shall be removed from office; and any person or persons refusing to leave said dispensary or its premises, or to comply with any other provisions of this Act, or the ordinances passed by the mayor and council of said town of Morgan, shall, upon conviction thereof in the mayor's court of said town, be punished as prescribed by the ordinances of said town.

Mayor and council.

Sec. 7. Be it further enacted, That the mayor and council of said town shall have power and authority to pass all ordinances to carry out the purposes of this Act, and provide suitable penalties for violation of any of its provisions.

Dispensary, how maintained.

Sec. 8. Be it further enacted, That said dispensary shall be maintained and operated from the profits arising from the sale of said ardent spirits, malt liquors, wines, ciders and other intoxi-

Morgan, Town of, Dispensary for.

cants; *provided*, that to inaugurate said dispensary and purchase the first stock, said board of commissioners are hereby authorized to borrow money or pledge the credit of the board, said obligation to be paid out of first profits realized from said dispensary.

Sec. 9. Be it further enacted, That said board of commissioners ^{Profits.} shall appropriate the net profits of said dispensary to maintain the public schools in said town, the full terms of which shall be free to any child in Calhoun county within the school age, and for such other purposes as the said board of commissioners may deem expedient.

Sec. 10. Be it further enacted, That the dispensary commis- ^{Salary of} sioners provided for in this Act shall receive as such commis- ^{commis-} sioners a salary of twenty dollars each per annum, and the secretary and treasurer shall be paid each fifteen dollars per annum additional, said salaries to be paid out of the proceeds of the dispensary.

Sec. 11. Be it further enacted, That said board of commissioners shall have full power and authority, at any time they deem it for the best interest of said town of Morgan, to suspend or discon- ^{Discon-} ^{tinuance.} tinue said dispensary by closing out all stock on hand.

Sec. 12. Be it further enacted, That on and after the ^{License.} passage of this Act the town council of the town of Morgan is hereby prohibited from issuing, granting or renewing any license for the sale of ardent spirits, malt liquors, wines, cider, or other intoxicants within the corporate limits of said town of Morgan; *provided, nevertheless*, that should the dispensary commissioners at any time determine to permanently discontinue the dispensary as authorized in the 11th section of this Act, then in that event the town council of the town of Morgan is hereby authorized to resume the control of the liquor traffic in said town.

Sec. 13. Be it further enacted, That all laws and parts of laws ^{Repealing} in conflict with this Act be, and the same are, hereby repealed. ^{clause.}

Approved December 8, 1897.

CAMDEN COUNTY, TO QUIET TITLES TO LANDS THEREIN.

No. 283.

An Act to quiet the title of lands in Camden county, and to provide for the granting of the same, and to prescribe the mode of procedure by which the same may be granted, and for other purposes.

Lands in
Camden,
how
granted.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That the Governor of this State shall issue to all persons, applying for the same under the provisions of this Act, a grant or grants directly from the State to any lands of any quantity, character, or quality in Camden county, Georgia, of which such persons, their ancestors or grantors may have been in possession under color of title *bona fide* claiming title to the same for a term of fourteen years.

Previous
grants.

Sec. 2. Be it further enacted, That the fact that said land may have been previously granted shall not prevent the issuing of a grant or grants under this Act; *provided, however*, that in computing the said fourteen years no time shall begin to be counted against any minor or person laboring under any legal disability claiming adversely to the applicant for the grant until after said minor becomes of age or until after said legal disability may be removed.

Petition for
grant.

Sec. 3. Be it further enacted, That in order to obtain a grant under this Act, the applicant shall, as in other civil cases, file his petition in the superior court of the county where the land lies, to which petition all the adjoining land-owners and such other persons as may be known claimants, or as may return the same for taxes, shall be parties defendant. In the petition, the land must be definitely described, accompanied by an accurate plot of the same, to be kept of file by the clerk of the court, and it must appear that the applicant is at the time of the application in the legal possession of the land. His abstract of title must be set forth, and the manner and time of possession must be described. The clerk of court shall then issue process as in other civil cases, which shall be served as in other civil cases, except that it shall not be necessary to serve a copy of the plot provided above to be filed with the petition.

Trial of.

Sec. 4. Be it further enacted, That after the service of such petition upon all parties at interest, said petition shall stand for trial

Camden County, to Quiet Titles to Lands Therein.

and be tried and disposed of, as other civil cases, except that if there be no issue joined, the judge may render judgment and decree without a jury at the first term.

Sec. 5. Be it further enacted, That should it appear upon the trial of such causes that the applicant has a superior title to that of any other claimant under the now existing laws of this State, a grant under this Act should be so decreed unto such applicant by the court. Decree.

Sec. 6. Be it further enacted, That should it appear upon the trial of such causes the applicant is entitled to a grant under this Act, it shall be so decreed by the court. Same.

Sec. 7. Be it further enacted, That after decree of the court in favor of an applicant for a grant under this Act, it shall be the duty of the clerk of the court to transmit a certified copy of the decree, with a copy of the plot of the land attached and decreed to be granted, to the Secretary of State, whereupon it shall be the duty of the Governor to issue the grant as decreed, and cause the same to be transmitted to the applicant. Decree
certified to
Governor.

Sec. 8. Be it further enacted, That the fees of the officers of court shall be the same as in other civil cases, and the fee of the Secretary of State shall be ten dollars for each grant, all of which fees of the officers of court, as well of the Secretary of State, must be deposited in advance with the clerk of court upon the filing of the petition. Fees.

Sec. 9. Be it further enacted, That the provisions of this Act shall not apply to any lands which may have heretofore been dedicated by the State for any charitable, educational, or religious purposes, either by local, special or general act, nor to lands deeded to the State, nor lands now used by the State for any particular purpose. Excepted
land.

Sec. 10. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing
clause.

Approved December 16, 1897.

Jones County, Sale of Seed Cotton in.

JONES COUNTY, SALE OF SEED COTTON IN.

No. 164.

An Act to prohibit the sale of seed cotton in the county of Jones from the fifteenth day of August to the fifteenth day of December of each year, and to provide a penalty for the violation of the same, and for other purposes.

Sale of seed
cotton in
Jones
county
from Aug.
15 to Dec.
15 pro-
hibited.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That from and after the passage of this Act it shall be unlawful to sell, buy or otherwise traffic in seed cotton in the county of Jones between the fifteenth day of August and the fifteenth day of December of each year; *provided*, the provisions of this Act shall not apply to judicial sales by any officer authorized by law to make such sale.

Penalty.

Sec. 2. Be it further enacted by the authority aforesaid, That all persons violating this Act shall be guilty of a misdemeanor, and on conviction thereof shall be punished as prescribed in section 1039 of volume 3 of the Code of 1895.

Repealing
clause.

Sec. 3. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

 Liberty County, Butchering Cattle, Sheep or Hogs Therein.

LIBERTY COUNTY, BUTCHERING CATTLE, SHEEP OR HOGS
THEREIN.

No. 254.

An Act to prohibit butchering any cattle, sheep or hogs in the county of Liberty in any woods or timbered land, unless the said woods or timbered land is enclosed, and the butchering is done by the owner of the land, lessee or tenant, or the agent or servant of the owner of the land, lessee or tenant, and the said butchering not to be done between the hours of eight o'clock p. m. and five o'clock a. m.; and to fix the penalty for violation of the same, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, it shall be unlawful for any person or persons to butcher any cattle, sheep or hog in the county of Liberty in any woods or timbered land, unless the said wood or timbered land is enclosed and the butchering is done by the owner of the enclosed woods or timbered land, or the lessee, or the tenant, or the agent or servant of the owner of the enclosed woods or timbered land, lessee or tenant, and the said butchering shall not be done between the hours of eight o'clock p. m. and five o'clock a. m.

Butcher-
ing cattle,
sheep or
hogs in
Liberty
county.

Sec. 2. Be it further enacted, That any person or persons violating this Act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished as is prescribed in section 1039 of the Code of 1895.

Penalty.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Repealing
clause.

Approved December 16, 1897.

Clayton County, Commutation or Road Tax for.

CLAYTON COUNTY, COMMUTATION OR ROAD TAX FOR.

No. 192.

An Act to provide for a commutation tax in lieu of road work in any militia or road district in the county of Clayton, upon the petition in writing to the commissioners of roads and revenues of said county of a majority of the persons subject to road duty in such district.

Commuta-
tion tax in
Clayton
county.

Section 1. Be it enacted by the General Assembly of Georgia, That from and after the passage of this Act, it shall be the duty of the commissioners of roads and revenues of Clayton county, upon the petition in writing of a majority of all the persons subject to road duty in any militia district or road district in said county, at the first regular meeting in ten days after filing of such petition, to fix a commutation road tax of not less than two dollars (\$2) nor more than four dollars (\$4) per annum, in lieu of all road work in such district, and such tax, when so fixed, shall be valid until changed upon like petition and process by said commissioners of roads and revenues.

When paid,

Sec. 2. Be it further enacted, That when so fixed it shall be the privilege of each and every person subject to road duty in such district on or before the first day of April in each year, or in such installments as the commissioners of said district may prescribe, to pay said road tax, which, when paid, shall relieve such person of any further tax or road duty for that year in such, and the same, when collected as hereinafter provided, shall be set apart and used exclusively for road purposes in the district where collected and paid under the direction of and by the road commissioners of such district as hereinafter provided.

Overseer.

Sec. 3. Be it further enacted, That it shall be the duty of the road commissioners of such district, after such commutation tax has been fixed as hereinafter provided, to appoint a competent overseer of roads for such district, who shall be subject to their exclusive control and jurisdiction. That it shall be the duty of said overseer of roads, at a meeting of said commissioners to be held on the first Saturday in March of each year, to make out and submit a full and complete list, in writing, of all persons residing in said district who are subject to road duty therein. Said overseer shall also post in three public places in said district, and also publish in the county gazette once a week for two weeks, notification that said

 Clayton County, Commutation or Road Tax for.

commutation tax may be paid on or before April first, or in installments fixed by the commissioners.

Said overseer shall give such bond with good security to the commissioners and their successors as they may fix, conditional for the faithful discharge of his duties, and accounting for all funds received by him. He shall receive as compensation for his services out of the road funds of said district a per diem to be fixed by the road commissioners of such district for actual service.

Duties of overseer.

He shall give receipts for all taxes received by him, and at a meeting of the commissioners to be held on the first Monday in May he shall make an exhibit in detail of moneys received by him, showing from whom received, and shall turn such funds over to said commissioners to be disbursed only on their order.

Said overseer shall take charge of and work all persons in said district liable to road duty who have not paid said commutation tax, giving them notice of time and place of working, tools to be bought, etc., as now required by law.

Said overseer shall have and be responsible for the superintendence and working of all public roads in said district, subject as aforesaid to the direction and control of said district commissioners. The roads in such district shall be worked in such manner and at such times as said commissioners may direct, and they shall also direct such disbursements of said commutation tax in building, improving and repairing the public roads of said district, as they may see proper, and may direct the employment of hands and teams and the buying of such materials as are needed on said roads in their respective districts out of the road funds in their hands.

Said commissioners shall make annual reports in writing, on the first Monday of January in each year, to the commissioners of roads and revenues of said respective county, showing the amount received from said commutation tax for the year ending, from whom received and how expended.

Reports.

Sec. 4. Be it further enacted, That any person or persons in such district subject to road duty, who shall prefer to work the road in person, or by proxy, to paying such commutation tax, shall have the right to do so, and shall work the number of days required by the overseer within the limit of time now fixed by law, under the personal direction and control of said overseer for such district, as hereinafter provided, whose receipts for such road labor shall be a full acquittance of all liability for road working in such district for that year; *provided*, that no person shall be required to

Option to pay tax or work.

Charlton County, Mileage of Jurors and Bailiffs.

work upon by law. Any person failing to pay said commutation tax, and failing or refusing to work the time required or as directed by said overseer, shall be subject to all the penalties and punishments provided by law for road defaulters, and they shall be reported by the said overseer to the said road commissioners, as now provided by law.

Reports. Sec. 5. Be it further enacted, That after final workings of each public road in such district, said overseer shall report in writing to the road commissioners of that district the names of the persons working on said road, the number of days worked, the names of defaulters, the money expended in materials, hiring of hands, tools, wagons and teams, the character of the work done thereon, and, if permanent improvements, the cost of same.

Ad valorem tax. Sec. 6. Be it further enacted, That whenever an *ad valorem* tax is levied for roads and bridges in said county, the *pro rata* share of such district in said tax shall be apportioned by the commissioners of roads and revenues according to the value of property returned in said district on the tax digest of the county for each year, and upon the order of the commissioners of roads turned over to the said district road commissioners, to be by them expended in compliance with the intention and purpose of this Act.

Regulations. Sec. 7. Be it further enacted, That the road commissioners of any district in said county, after the adoption of the provisions of this Act, shall have power and authority to make and enforce all rules and regulations, not in conflict with the laws of this State, necessary to fully carry into effect the intention of this Act.

Repealing clause. Sec. 8. Be it further enacted, That all laws and parts of laws in conflict or inconsistent with the provisions of this Act be, and the same are, hereby repealed.

Approved December 8, 1897.

CHARLTON COUNTY, MILEAGE OF JURORS AND BAILIFFS.

No. 296.

An Act for the pay of jurors' and bailiffs' mileage for the county of Charlton.

Charlton county, mileage of jurors. Section 1. Be it enacted by the General Assembly of the State of Georgia, That on and after the passage of this Act that all jurors drawn and serving as such shall be paid three (3) cents per mile going to and returning from court.

 Berrien County, Firing Woods or Grass of Another Prohibited.

Sec. 2. Be it further enacted by the authority aforesaid, That all ^{Of tales jurors.} tales jurors for the county of Charlton caught, retained and serving shall be entitled to mileage one way only at the above rate.

Sec. 3. Be it further enacted by the authority aforesaid, That all ^{Of bailiffs.} bailiffs of the court shall be paid three cents per mile one way only, and that all bailiffs pressed into service and sent after witnesses shall be paid mileage at the above rate going and returning.

Sec. 4. Be it further enacted, That all laws and parts of laws in ^{Repealing clause.} conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

 BERRIEN COUNTY, FIRING WOODS OR GRASS OF ANOTHER PROHIBITED.

No. 328.

An Act to make it a penal offense for any person to set fire to the woods, grass or other growth on the lands of another in the county of Berrien without the consent of the owner thereof; to prescribe a penalty for the same, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That ^{Firing woods or grass of another in Berrien prohibited.} from and after the passage of this Act, any person who shall set fire to the grass, growth, or woods on the lands of another without the owner's consent, in the county of Berrien, shall be guilty of a misdemeanor and punished as prescribed in section 1039 of the Criminal Code of 1895, volume 3.

Sec. 2. Be it further enacted, That all laws and parts of laws in ^{Repealing clause.} conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

Bryan County, Road Law for Repealed.—Lee County, Protection of Fish in Streams of.

BRYAN COUNTY, ROAD LAW FOR REPEALED.

No. 253.

An Act to repeal an Act entitled an Act to provide a system for working the public roads in the county of Bryan, to appoint commissioners annually, to define their powers and duties, to levy and collect a tax for road purposes, and to authorize the payment of commutation tax in lieu of road working and for other purposes, said Act approved December 16th, 1895, and published in Acts of 1895, pages 415 to 418.

Road law
for Bryan
county re-
pealed

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is enacted by authority of the same, That an Act to provide a system of working public roads in the county of Bryan, to appoint commissioners annually, to define their powers and duties, to levy and collect a tax for road purposes and to authorize the payment of commutation tax in lieu of road working, and for other purposes, approved December 16, 1895, be, and the same is, hereby repealed.

Repealing
clause.

Sec. 2. Be it enacted by the General Assembly of the State of Georgia, and it is enacted by authority of the same, That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Approved December 16, 1897.

LEE COUNTY, PROTECTION OF FISH IN STREAMS OF.

No. 256.

An Act for the protection of fish in the streams of Lee county, and to fix penalties for violation of the same, and for other purposes.

Fish in
streams
of Lee
county pro-
tected.

Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act, it shall not be lawful for any person to poison, kill with dynamite, catch with seines, or entrap with any device whatsoever, except with hook and line, bob, minnows, artificial flies and fish-pots, any fish in any stream in the county of Lee.

 Rabun County. Protection of Fish in Tallulah River and Tributaries.

Sec. 2. Be it further enacted by the authority aforesaid, That ^{Traps prohibited.} it shall not be lawful for any person to keep or maintain upon any stream, upon lands owned by himself or others, or to permit to remain in any stream upon or opposite to land owned by himself, any trap now placed, or may hereafter be placed, in any stream in said county of Lee.

Sec. 3. Be it further enacted by the authority aforesaid, That ^{Penalty.} for every violation of this Act, the person so offending shall be guilty of a misdemeanor and upon conviction shall be punished according to section 1039, volume 3, of the Code of 1895.

Sec. 4. Be it further enacted by the authority aforesaid, That ^{Repealing clause.} all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

 RABUN COUNTY, PROTECTION OF FISH IN TALLULAH RIVER
AND TRIBUTARIES.

No. 252.

An Act to regulate the catching or taking of fish in Tallulah river and all its tributaries in Rabun county, and to prescribe a penalty for violating the provisions of the same.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That ^{Trapping fish in Tallulah river and tributaries in Rabun county prohibited.} from and after the passage of this Act it shall be unlawful for any person or persons to trap, seine or catch in any way other than with hook and line or gig, any fish in Tallulah river, or any tributary thereof in Rabun county.

Sec. 2. Be it further enacted by authority aforesaid, That any ^{Penalty.} person or persons violating the provisions of this Act shall be guilty of a misdemeanor, and on conviction therefor shall be punished as prescribed in section 1039 of the Criminal Code of Georgia of 1895.

Sec. 3. Be it further enacted by authority aforesaid, That all ^{Repealing clause} laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 16, 1897.

Bibb County, Protection of Fish in Waters of.—Wilkes County, Bicycle Ways Protected.

BIBB COUNTY, PROTECTION OF FISH IN WATERS OF.

No. 161.

An Act for the protection of fish in the waters of Bibb county, to fix penalties for violation of the same, and for other purposes.

Killing or trapping fish in waters of Bibb county prohibited. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act it shall not be lawful for any person to shoot, spear, gig, poison, kill with dynamite, catch with seines, or entrap with any device whatsoever, except with hook and line, any fish in any stream, lake, or pond in the county of Bibb for a period of five years from the passage of this Act.

Traps prohibited. Sec. 2. Be it further enacted by the authority aforesaid, That it shall not be lawful for any person to keep or maintain upon any stream upon his land, owned by himself or another, or to permit to remain in any stream or upon or opposite to land owned by himself, any trap now placed in any stream, lake or pond in the county of Bibb during said period.

Penalty. Sec. 3. Be it further enacted by the authority aforesaid, That for every violation of this Act the person offending shall be guilty of a misdemeanor, and upon conviction shall be punished according to section 1039, volume 3, of the Code of 1895.

Repealing clause. Sec. 4. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 3, 1897.

WILKES COUNTY, BICYCLE WAYS PROTECTED.

No. 250.

An Act to protect bicycle ways in the county of Wilkes, and to provide a penalty for violations thereof, and for other purposes.

Bicycle ways in Wilkes county protected. Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That from and after the passage of this Act it shall be unlawful for any person to wilfully ride or drive, on horseback or in any buggy, wagon or

Wilkes County, Bicycle Ways Protected.

other vehicle, drawn by horses, oxen or mules, upon any way or road lawfully constructed or prepared for the special use of bicycles in the county of Wilkes, except at the usual road crossings.

Sec. 2. Be it further enacted, That any person violating the provisions of this Act shall be guilty of a misdemeanor and punishable by a fine not to exceed fifty dollars, or work on the chain-gang of the county not to exceed two months, and one or both of these punishments may be ordered in the discretion of the judge. Penalty.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed. Repealing
clause.

Approved December 16, 1897.

Columbus Power Company, Right to Bed of Chattahoochee River.

TITLE IV.

PRIVATE LAWS.

ACTS.

Columbus Power Co., Granted Right to Bed of Chattahoochee River.
Macon Light Infantry, Honorary Members Exempt from Jury Duty.

COLUMBUS POWER COMPANY, RIGHT TO BED OF CHATTAHOOCHEE RIVER.

No. 321.

An Act releasing and granting to Columbus Power Company all the right, title and interest which the State of Georgia may have in and to the bed of the Chattahoochee river, between the north line of fractional lot number eighty-eight and the south line of fractional lot number eighty-nine, in the eighth district of Muscogee county, Georgia.

Preamble. Whereas, the State of Georgia has heretofore granted fractional lots numbers eighty-eight and eighty-nine, in the eighth district of Muscogee county, Georgia, and has also granted the adjacent islands in the Chattahoochee river, and also the western bank of said river to the Alabama line, opposite said fractional lots;

And, whereas, the said lots, banks and islands appear to have passed to and to be now vested in the Columbus Power Company, a corporation of Muscogee county, Georgia, the said corporation being in possession thereof, and being now about to erect extensive and valuable improvements for the development, control and utilization of the water-power at that point;

And, whereas, under the decisions of the supreme court of this State, it would seem that a right and title to the bed of the river adjacent to said lots would pass by implication under the grants

Macon Light Infantry, Honorary Members of Exempt from Jury Duty.

heretofore made, and to be now vested in said Columbus Power Company; and whereas, said Columbus Power Company, before erecting its plant and other improvements which will contribute largely to the taxable values of the State, desires that any apparent shadow upon its right and title to the bed of the river at the point designated should be removed by legislative expression, in so far as concerns any right or claim the State may have thereto,

Be it therefore enacted by the General Assembly of the State of Georgia, That all the right, title and interest which the State of Georgia may have in and to the bed of the Chattahoochee river, between the north line of fractional lot number eighty-eight and in the eighth district of Muscogee county, Georgia, be and the same is hereby released and granted to Columbus Power Company, its successors and assigns; "*provided*, that in so far as practicable all improvements constructed by said Columbus Power Company shall be within the limits of the State of Georgia."

Bed of
Chatta-
hoochee
river in 8th
District of
Muscogee
county
granted to
Columbus
Power Co.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Repealing
clause.

Approved December 20, 1897.

MACON LIGHT INFANTRY, HONORARY MEMBERS OF EXEMPT
FROM JURY DUTY.

No. 321.

An Act to exempt from jury duty certain members of the Macon Light Infantry, Co. A., 2d Regt. Infy. Ga. Vols; to elect those members; to provide a list of such members and put same upon roll-book of said company, and furnish copy of said list to clerk of Bibb superior court, etc., and give said company full power to fix dues of such members, and enforce the same.

Section 1. Be it enacted by the General Assembly of the State of Georgia, That there shall be exempt from jury duty twenty-five (25) honorary members of the Macon Light Infantry, a volunteer military organization in the city of Macon.

Twenty-
five hon-
orary mem-
bers of
Macon
Light In-
fantry ex-
empt from
jury duty.

Sec. 2. Be it further enacted, That at the first regular meeting of said company in January of each year, said company shall elect those members who shall be exempt from jury duty under this Act, and when such members have been elected, it shall be the duty of the commanding officer of said company to have a list of such members prepared and put upon the roll-book of said company, and

List of such
members.

Macon Light Infantry, Honorary Members of Exempt from Jury Duty.

shall furnish to the clerk of the superior court of Bibb county a copy of such list, certified to under his hand as such commanding officer.

Dues of
such mem-
bers.

Sec. 3. Be it further enacted, That said company shall have full power and authority to fix the dues of such honorary members and take such measures as may be necessary to enforce the payment of such dues.

Repealing
clause.

Sec. 4. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 20, 1897.

Part IV.—Resolutions.

Part IV.—Resolutions.

Asking for Unlimited Coinage of Silver.
Purchase and Distribution of Seeds, Plants, Etc., Under Federal Statute.
Asking that Cotton Tax be Refunded by United States.
To Furnish Judges of District Courts of United States in Georgia with Georgia Reports.
Election of United States Senators.
Northern Boundary of State of Georgia.
Hand-Book of Western & Atlantic Railroad.
Atlanta, Knoxville & Northern Railway Company, Right of Way at Marietta.
Inspection of Northeastern Railroad.
Appointing Commission to Report Regulations for State Banks.
Commission to Exposition at Omaha.
Loan of Georgia Exhibit for Exposition at Omaha.
Welcome to the United Confederate Veterans' Association.
Unmarked Graves of Confederate Soldiers in Northern States.
In Relation to Last Order of Confederate Government.
Thanks to Hon. Augustus DuPont.
Appropriation to Pay for Portrait of Hon. C. F. Crisp.
Requesting Portraits of Eminent Georgians.
For Purchase of Blount's Form Book.
Fees Collected by State Treasurer from Building and Loan Associations.
Governor Authorized to Borrow Money to Supply Casual Deficiencies.
For Repairs of Capitol.
To Pay Balance for Publication of Code of 1895.
Republication of Georgia Reports.
To pay for Transcribing Record Book in Office of Secretary of State.
To Pay Committees and Chaplains Visiting Convicts.
To Pay Dehct of State Agricultural Department.
To Pay Salary of Commissioner of Pensions.
To Pay for Surveys and Maps of W. & A. Railroad.
To Pay for Water-hose at Lunatic Asylum.
For Relief of G. W. Chamblee.
For Relief of Mrs. Joseph Cohen.
For Relief of J. S. Hearn, Sheriff of Webster County.
For Relief of D. B. Leonard.
For Relief of Amanda Thornton.
For Relief of Eddie Goddard.
For Relief of Nick King.
Per Diem of Penitentiary Committee.
Per Diem of Committee on State University.
Per Diem of Elevator Boy.
Per Diem and Expenses of Investigating Committees.
Per Diem of Hon. Joseph H. Polhill and Hon. James Stapleton.
To Pay Porters of House and Senate.
To Pay Clerks of Legislature for Special Services.
To Pay Expenses of Committee on Contested Elections.

Asking for Unlimited Coinage of Silver.—Purchase and Distribution of Seeds, Plants, Etc.

To Pay Assistant Doorkeepers of Senate and House.
 Committee to Investigate State Treasury.
 December 12th, 1897, *Non Dies*.
 Unfinished Business of Legislature.

ASKING FOR UNLIMITED COINAGE OF SILVER.

No. 66.

Coinage
of silver.

Resolved, by the House of Representatives of the State of Georgia, the Senate concurring, That the Congress of the United States be and is hereby memorialized to enact a law for the free and unlimited coinage of silver at the ratio of 16 to 1.

Copy of
resolution.

Resolved, further, That a copy of this resolution be immediately transmitted by the clerk to each of the Senators and Congressmen from Georgia.

Approved December 16, 1897.

PURCHASE AND DISTRIBUTION OF SEEDS, PLANTS, Etc., UNDER
FEDERAL STATUTE.

No. 85.

Preamble.

Whereas, The provisions of the Federal statute now of force in the matter of the purchase by the Secretary of Agriculture of rare and valuable seeds, plants, etc., for distribution among the farmers of this country with a view to the securement of the best possible results, are too restrictive, tending to the defeat rather than the accomplishment of the object sought to be attained; and,

Whereas, The Secretary of Agriculture is greatly hampered by the restrictions which obtain under existing laws, in that he is required to make contracts for supplies of seeds, plants, etc., with the fewest possible seedsmen; and,

Requesting
senators
and repre-
sentatives
in congress
to favor
removal of
restrictions
as to pur-
chase of
seeds., etc.

Whereas, There are not only in the South, but throughout the Union, individual growers of rare and valuable seeds, plants, etc., of whom purchase may be made on terms at once satisfactory and more in accord with the specific and laudable purpose had in view when the plan of distributing seeds, etc., among our farmers was first adopted; therefore, be it

Resolved, by the House of Representatives, the Senate concurring, that our Senators in Congress be instructed and our Representatives be requested to use their votes and their influence in favor of

 Asking that Cotton Tax be Refunded by United States.

legislation which, while guarding the usual appropriation at every point, will remove the limitations which cripple the head of the Department of Agriculture in this particular branch of his important work.

Resolved, further, that his Excellency, the Governor, be requested to have prepared and sent to each of our Senators and Representatives in Congress and to the Secretary of Agriculture a certified copy of the foregoing preamble and resolution. Copies of this resolution.

Approved December 21, 1897.

 ASKING THAT COTTON TAX BE REFUNDED BY UNITED STATES.

No. 98.

A resolution memorializing Congress as to the refunding of cotton tax.

Whereas, a large sum of money, about seventy million dollars, which was unlawfully collected from the cotton planters of the South in the years 1865, 1866 and 1867, is still lying idle in the United States treasury for want of Constitutional authority to dispose of the same, and Preamble.

Whereas, about eight million dollars of said sum was unlawfully collected from and rightfully belongs to the planters of Georgia, therefore,

Be it resolved by the General Assembly of the State of Georgia, That our Senators and Representatives in Congress be and are hereby urged to use every effort in their power to have the said sum, or so much thereof as is due to citizens of Georgia, paid over to them or their legal representatives.

Resolved further, That a copy of these resolutions be furnished to each of our Senators and Representatives in Congress from this State.

Approved December 21, 1897.

To Furnish United States Judges in Georgia with Georgia Reports.—Election of U. S. Senators.

TO FURNISH JUDGES OF DISTRICT COURTS OF UNITED STATES
IN GEORGIA WITH GEORGIA REPORTS.

No. 74.

Preamble. Whereas, the judges of the district courts of the United States in this State are required, in the administration of the laws governing the causes determined in their courts, to give effect to the laws of this State as construed by the supreme court thereof,

Supreme Court reports to be delivered to judges of Federal courts. Be it therefore resolved by the Senate and the House concurring, That the State Librarian be and he is hereby authorized to deliver to the judges of the northern and southern district courts of the United States for the State of Georgia, for the use of such courts, each a copy of such Georgia Reports published by the State as there may be in the State library not otherwise specially appropriated or now in use, and that upon the issue of each subsequent volume a copy thereof be forwarded to such judges during their terms of office and to their successors for the use of such courts. as aforesaid.

Approved December 20, 1897.

ELECTION OF UNITED STATES SENATORS.

No. 76.

Election of U. S. senators. Resolved by the House of Representatives, the Senate concurring, that it is the sense of this Assembly that United States Senators should be elected by a direct vote of the people of the several States.

Constitutional amendment. Resolved 2d, That we instruct our Senators and request our Representatives in Congress to do all in their several powers to have a Constitutional amendment of this kind submitted as early as possible.

Copies of this resolution. Resolved 3d, That his Excellency, the Governor, be requested to forward a certified copy of these resolutions to each of our Senators and representatives in Congress as soon as possible.

Approved December 26, 1897.

NORTHERN BOUNDARY OF STATE OF GEORGIA.

No. 83.

A resolution providing for an investigation and report of the facts concerning the ascertainment of the true northern boundary of this State, and authorizing the Governor to take such action as may be necessary to establish and declare the true line between this State and the States of North Carolina and Tennessee or any part thereof.

Whereas, there is great uncertainty concerning the true northern boundary of this State; Preamble.

And, whereas, the States of North Carolina and Tennessee have each recognized that grave doubt exists as to the true boundary line between those States respectively and the State of Georgia, and have each by Acts of their respective General Assemblies provided for the appointment of commissioners to confer with such commissioners as may be appointed by the State of Georgia for the purpose of ascertaining the true boundary line;

And, whereas, the public interest requires that the boundary line between this State and the States of North Carolina and Tennessee, and each of them, should be accurately ascertained and definitely fixed,

Be it therefore resolved by the General Assembly of the State of Georgia, that W. A. Wimbish, Esq., special attorney for the Western and Atlantic railroad be, and he is hereby authorized and directed to consult, examine and consider original and other sources of information touching the question of the true northern boundary of this State, and make report thereof to the Governor, together with his opinion as to the rights of the State of Georgia in the premises. W. A. Wimbish, Esq., to investigate and report to the Governor in relation to the northern boundary of this State.

Be it further resolved, That upon the reception of such report the Governor is hereby authorized to take such action and institute such proceedings as in his judgment may be necessary or expedient to establish and declare the true northern boundary of this State, or any part thereof. Governor authorized to act.

Approved December 21, 1897.

HAND-BOOK OF THE WESTERN & ATLANTIC RAILROAD.

No. 100.

A resolution providing for the preparation of a hand-book of the Western and Atlantic Railroad.

Preamble. Whereas, a hand-book setting forth all matters affecting the Western and Atlantic railroad would preserve much that is valuable in connection with this property, and would afford future legislators, or those who may be hereafter charged with the guardianship of this property, easy access to the original sources of information; and

Whereas, a large amount of information has accumulated in the office of the special attorney which is valuable for the purpose of the preparation of such a hand-book, the source of which information is transitory and will pass away unless preserved in permanent form, be it therefore

Resolved by the General Assembly of the State of Georgia, That the special attorney for the Western and Atlantic railroad be and he is hereby directed to prepare a hand-book of the Western and Atlantic railroad setting out either substantially or at large all important Acts and resolutions of the General Assembly of this State, and of the State of Tennessee, touching this property, together with such ordinances of the cities of Atlanta and Chattanooga, all important contracts and agreements and a digest of all judicial decisions in the courts of this State and of the State of Tennessee and of the United States, affecting the Western and Atlantic railroad. The said volume shall also set out substantially or at large all reports of officers, legislation committees and special commissions in so far as they are of abiding interest, it being the purpose of this resolution that the legislative, executive, judicial and physical history of the Western and Atlantic railroad shall be accurately traced, and all valuable sources of information with reference thereto permanently preserved.

Approved December 21, 1897.

Special Attorney for W. & A. R. R. to prepare hand-book of same.

Atlanta, Knoxville & Northern Railway Co., Right of Way at Marietta.

ATLANTA, KNOXVILLE AND NORTHERN RAILWAY COMPANY,
RIGHT OF WAY AT MARIETTA.

No. 99.

A resolution authorizing the Atlanta, Knoxville and Northern Railway Company to acquire certain rights in and to the use of the Western and Atlantic railroad, in and near the city of Marietta, and for other purposes.

Whereas, a joint resolution of the General Assembly, approved December 23, 1896, authorizing the Atlanta, Knoxville and Northern Railway Company to acquire certain rights in the use of the right of the Western and Atlantic Railroad, in and near the city of Marietta, upon certain conditions in said resolution recited, among others, that due compensation should be paid to the State therefor, the amount of such compensation to be arrived at by arbitration in the manner pointed out; and, Preamble.

Whereas, pursuant to said resolution arbitrators were appointed, evidence was taken, and argument of counsel heard, but such arbitrators have failed to agree upon the amount of compensation to be paid to the State, be it therefore

Resolved by the General Assembly of the State of Georgia, That the Governor be and he is hereby authorized and requested in the name and behalf of the State of Georgia to convey to the Atlanta, Knoxville and Northern Railway Company the right to perpetually use and occupy for railroad purposes a strip fifteen feet in width on the extreme eastern edge or margin of the right of way of the Western and Atlantic Railroad, beginning on the north side or margin of Mill street in the city of Marietta, and extending thence northerly a distance of 4,401 feet, upon the conditions and subject to the restrictions as follows: *First*, the said Atlanta, Knoxville and Northern Railway Company shall, within sixty days after the date of approval of this resolution, signify its acceptance of the terms and conditions herein passed, and shall pay to the State of Georgia as compensation for such use the sum of \$8,000. *Second*, the present lessee company of the Western and Atlantic Railroad shall consent that all compensation so to be paid shall inure solely to the benefit of the State. *Third*, the Western and Atlantic Railroad, its lessees, purchasers and assigns shall be permitted without charge to cross or use the tracks of said Atlanta, Knoxville and Northern Railway Company for the purpose of delivering and receiving freight to and from points along the east- Governor authorized to convey right of way. Conditions.

Knoxville and Northern Railway Company shall, within sixty days after the date of approval of this resolution, signify its acceptance of the terms and conditions herein passed, and shall pay to the State of Georgia as compensation for such use the sum of \$8,000. *Second*, the present lessee company of the Western and Atlantic Railroad shall consent that all compensation so to be paid shall inure solely to the benefit of the State. *Third*, the Western and Atlantic Railroad, its lessees, purchasers and assigns shall be permitted without charge to cross or use the tracks of said Atlanta, Knoxville and Northern Railway Company for the purpose of delivering and receiving freight to and from points along the east-

 Inspection of Northeastern Railroad.

ern line of said right of way, but in the exercise of this right said Western and Atlantic Railroad shall not obstruct or interfere with the free passage of regular scheduled trains of the said Atlanta, Knoxville and Northern Railway Company. *Fourth*, said Atlanta, Knoxville and Northern Railway Company shall, so soon as may be and within six months from the date of the approval of this resolution, remove all of its tracks and encroachments from the right of way of the Western and Atlantic Railroad, excepting within the limits of the fifteen feet on the extreme eastern edge or margin thereof, as defined in this resolution. Be it further

Governor
may con-
sent to
temporary
use.

Resolved, That in the event said Atlanta, Knoxville and Northern Railway Company shall elect not to acquire the use of the right of way of the Western and Atlantic Railroad as herein defined, upon the conditions herein passed within the time limited, the Governor is hereby authorized and requested to consent in behalf of the State to such reasonable agreement for the use of said right of way as may be entered into between the said Atlanta, Knoxville and Northern Railway Company and the present lessee company of the Western and Atlantic Railroad for such time as may not exceed the term of the present lease, whether the same expires by lapse of time or otherwise; *provided*, the right and title of the State to said right of way shall be fully protected, and the said Atlanta, Knoxville and Northern Railway Company shall pay the cost of the recent arbitration, including the compensation of the arbitrators.

Approved December 21, 1897.

 INSPECTION OF NORTHEASTERN RAILROAD.

No. 56.

To provide for the appointment of a committee from the Senate and House to inspect the Northeastern Railroad.

Committee
on North-
eastern
Railroad.

Resolved by the House, the Senate concurring, That a committee of three from the Senate and five from the House be appointed to inspect the Northeastern Railroad, and make report thereof to the General Assembly during the present session.

Approved December 6, 1897.

Appointing Commission to Report Regulations for State Banks.—Commission to Exposition at Omaha.

APPOINTING COMMISSION TO REPORT REGULATIONS FOR STATE BANKS.

No. 55.

Whereas, legislation affecting the business of banking in this Preamble. State was recommended by his Excellency the Governor in his annual message, and by the honorable the State Treasurer in his annual report to the General Assembly; and

Whereas, the public interests require that the business of banking should be subject to such wholesome regulations as will afford adequate protection to depositors and creditors, and encourage the conduct of the business on a safe and sound basis, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor be, and he is hereby, authorized and requested to appoint a committee, to consist of one member of the Senate, two members of the House, and two citizens skilled in the business of banking, who shall serve without compensation, and whose duties shall be to investigate and consider the subject of State regulation of banks, and report to the next General Assembly such legislation as will, in the judgment of the commission, provide the best system for regulating the business of banking in this State.

Approved December 3, 1897.

COMMISSION TO EXPOSITION AT OMAHA.

No. 71.

Resolved by the House of Representatives, the Senate concurring, That the Governor be, and he is hereby, authorized to appoint a commission, consisting of fifteen (15) citizens of the State of Georgia, of which he shall be *ex officio* a member, to secure an exhibit of the products and resources of the State of Georgia at the Trans-Mississippi and International Exposition to be held in the city of Omaha, Nebraska, from June 1st, 1898, to November 1st, 1898. Said commission to serve without expense to the State.

Approved December 16, 1897.

Loan of Georgia Exhibit for Exposition at Omaha.—Welcome to United Confederate Veterans' Ass'n.

LOAN OF GEORGIA EXHIBIT FOR EXPOSITION AT OMAHA.

No. 93.

Governor
may loan
exhibit.

Resolved by the Senate, the House of Representatives concurring, That the Governor be, and he is hereby, authorized to loan to the commission appointed to secure an exhibit of the products and resources of the State of Georgia for the Trans-Mississippi and International Exposition the Georgia State exhibit as it now exists; *provided*, that no expense shall attach to the State in any manner whatever on account of such loan, and the Governor shall prescribe such rules and conditions attending such loan as he may deem best.

Discretion.

Resolved further, That this resolution is permissive, and not directory: The Governor is to exercise his discretion in making the loan of the exhibit as aforesaid.

Approved December 21, 1897.

WELCOME TO THE UNITED CONFEDERATE VETERANS' ASSOCIATION.

No. 59.

Preamble.

Whereas, The United Confederate Veterans' Association honored the State of Georgia by selecting its capital city for the next annual reunion,

Therefore, be it resolved by the House, the Senate concurring, That, as the representatives of the people of Georgia, we tender to the heroes of '60 and '65, forming this Association a most cordial welcome to our State.

Use of
capitol.

2d. That the capitol of the State is hereby tendered to them for convention purposes.

Committee
to extend
welcome.

3d. That a joint committee consisting of five from the House and three from the Senate be appointed to be present on the assembling of the Association, to extend the welcome herein authorized.

Approved December 6, 1897.

 Unmarked Graves of Confederate Soldiers in Northern States.

UNMARKED GRAVES OF CONFEDERATE SOLDIERS IN NORTHERN STATES.

No. 58.

Whereas, The Daughters of the Confederacy residing in Georgia Preamble. have brought to the attention of this General Assembly the fact that there are in the Northern States thirty thousand unmarked graves of Confederate soldiers, who gave their lives in defense of a cause they believed to be just and right; and

Whereas, It is the bounden duty of the Southern people to see that the graves of their heroes shall each be suitably marked and properly cared for; and

Whereas, co-operation on the part of the Southern States is essential to the accomplishment of this purpose, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That his Excellency the Governor be, and he is hereby, authorized and requested to appoint a commission of seven citizens of this State, whose duty it shall be to communicate with the Legislature of each of the Southern States, with a view to securing co-operation in formulating and putting into execution, without unnecessary delay, some plan by which an amount of money adequate to the undertaking hereinbefore alluded to may be appropriated by the respective States and applied to the object named, under such rules and regulations as the Legislatures of the several States interested may prescribe. It shall be the duty of said commission, through his Excellency the Governor, to report to the next General Assembly of this State all the information gleaned on the subject referred to, together with such recommendations as may, in the commission's judgment, place Georgia in line with her sister States in this good work.

Appoint-
ment of
commis-
sion to
secure co-
operation
of Southern
States to
suitably
mark
graves of
Confed-
erate sol-
diers in
Northern
States.

Resolved further, That the Governor be requested to have furnished a duly certified copy of the foregoing preamble and resolution to the President of the Georgia Division of the Daughters of the Confederacy, and to the commission provided for in said resolution.

Copies of
this reso-
lution.

Approved December 6, 1897.

In Relation to Last Order of Confederate Government.—Thanks to Hon. Augustus DuPont.

IN RELATION TO LAST ORDER OF CONFEDERATE GOVERNMENT

No. 53.

Last order
of Con-
federate
govern-
ment.

Resolved by the House, the Senate concurring, That the State Librarian is hereby directed to deliver to Miss Catherine C. Stiles, in charge of the Georgia room of Confederate Museum at Richmond, to be preserved in said room and museum, the last order of the Confederate Government, dated at Washington, Ga., May 5th, 1865, said last order now being in the State Library, but having been received in the Library under a mistake and by accident.

Approved November 12, 1897.

THANKS TO HON. AUGUSTUS DUPONT.

No. 64.

Preamble.

Whereas, at the last session of the General Assembly an appropriation was made for the purpose of making an exhibit at the Tennessee Centennial held during the present year; and whereas, Hon. Augustus DuPont, of the county of Clinch, was appointed commissioner of Georgia at said Centennial,

Resolution
of thanks.

Therefore, be it resolved by the House of Representatives, the Senate concurring, That the thanks of the General Assembly be tendered the Hon. Augustus DuPont for his able and dignified representation of the State's interest at said Centennial.

Approved December 14, 1897.

Appropriation to Pay for Portrait of Hon. C. F. Crisp.—Requesting Portraits of Eminent Georgians.

APPROPRIATION TO PAY FOR PORTRAIT OF HON. C. F. CRISP.

No. 92.

Whereas, in the order of the providence of the Great Ruler of ^{Preamble.} the destinies of nations and men, death has removed the Honorable Charles Frederick Crisp, one of Georgia's most gifted statesmen, and he who for many years represented one of the Congressional districts of this State in the Congress of the United States, and who by his diligence and ability won laurels seldom equaled by any son of Georgia, and who by the power of his eloquence and the force of his argument and the clearness of his parliamentary knowledge stayed the iniquitous "force bill," and who was finally made Speaker of the House of Representatives of the United States:

It is therefore resolved by the House, the Senate concurring, ^{Committee to procure oil-painting of Hon. C. F. Crisp.} That a committee of one from the Senate and two from the House be appointed to procure a life-size oil-painting of the Hon. C. F. Crisp, to be placed by them in the capitol of this State, as a memento of his distinguished services in the halls of national council.

Resolved further, That the sum of five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, ^{Appropriation to pay for same.} appropriated to pay for said oil-painting, and the Governor is authorized to draw his warrant on the Treasury therefor, to be paid out of money not otherwise appropriated.

Approved December 21, 1897.

REQUESTING PORTRAITS OF EMINENT GEORGIANS.

No. 28.

Whereas, The State of Georgia has been the recipient of the able ^{Preamble.} and devoted services of a long list of worthy sons whose patriotism and ability have illuminated the history of a grateful State; and

Whereas, Many of these sons have left the scene of their temporal victories to reap the greater reward beyond; and

Whereas, Constant and public recognition of the unselfish devotion of those loyal sons is due their revered memories; and

Whereas, A perpetual and abiding memorial of their appreciated services to the State should be established, to aid in inculcat-

 For Purchase of Blount's Form-Book.

ing in the youth of Georgia emulation of the noble qualities that lead to true and lasting greatness; therefore be it

Certain portraits requested.
 Resolved by the House of Representatives, and the Senate concurring, that living, and families of deceased United States Senators, Congressmen, Governors, Presidents of the Senate and Speakers of the House of Representatives of the State of Georgia, are respectfully requested to furnish the State life-size portraits, to be hung in the halls of the capitol in commemoration of their services to Georgia, and as an incentive to the ambition of the youth of our State.

State Librarian to accept and place.
 Be it resolved further, That the State Librarian be authorized to accept all portraits so tendered, and to see that they are properly placed in the halls of the capitol.

Copies of this resolution.
 Be it further resolved, That the State Librarian be requested to furnish to each of the persons indicated in the preceding section a copy of this resolution at as early a day as possible.

Approved December 21, 1897.

 FOR PURCHASE OF BLOUNT'S FORM-BOOK.

No. 57.

Preamble.
 Whereas, J. H. Blount, Jr., of Macon, Ga., is preparing, and will have ready for publication as soon as the revised Code of Georgia, now in press, is issued, a book of Georgia forms and practice, specially adapted to the new Code; and

Whereas, other form-books, adapted for use in connection with the laws of force in this State at the time when such publications issued, have been supplied to public officers at the State's expense; and

Whereas, Such a work is calculated to be useful in the advancement of public justice; therefore,

To furnish Blount's Form-Book to public officers.
 Be it resolved by the House, the Senate concurring, That the Governor be, and he is hereby, authorized to subscribe for and to purchase for the use of the State, at one dollar and twenty-five cents per copy, payable on delivery, one copy of said book for each public officer of the State to whom the Code is now by law furnished, upon said book being examined and approved by the Attorney-General, the expense of said examination to be paid by the author; and the Governor is hereby authorized to draw his warrant on the Treasury for the sum of five thousand dollars, or so much

Fees Collected by State Treasurer from Building and Loan Associations.

thereof as may be necessary, to furnish the said copies as mentioned.

Approved December 6, 1897.

FEEs COLLECTED BY STATE TREASURER FROM BUILDING AND
LOAN ASSOCIATIONS.

No. 60.

Whereas, The House of Representatives passed, during the ses- Preamble.
sion of 1896, a resolution authorizing the appointment of a committee of five by the Speaker of the House to investigate each of the different departments of the State government, and the different institutions of the State, and make report, etc.; and

Whereas, The committee appointed pursuant to said resolution has made a report to the House, and in their said report they find that the late Treasurer of the State, Honorable R. U. Hardeman, had received fees from building and loan associations amounting to from four to six thousand dollars; and

Whereas, The report of said committee calls into question the right of the Treasurer of this State to the fees collected from building and loan associations; and

Whereas, Said committee have expressed the opinion that all of the fees collected from the building and loan associations should have been paid into the Treasury; therefore,

Be it resolved, That a special committee of six members of the House and three members of the Senate be appointed to investigate the right of the late Treasurer, Honorable R. U. Hardeman, to the said fees, and report to the General Assembly, during this session, their conclusions in the matter. Appointing
committee
to report.

Approved December 8, 1897.

Governor Authorized to Borrow Money to Supply Casual Deficiencies.—For Repairs of Capitol.

GOVERNOR AUTHORIZED TO BORROW MONEY TO SUPPLY
CASUAL DEFICIENCIES.

No. 90.

Governor
authorized
to borrow
money.

Resolved by the House of Representatives, the Senate concurring, That if it should become necessary at any time previous to the meeting of the General Assembly in October next to supply casual deficiencies, the Governor shall be, and he is hereby, authorized to borrow on the best terms he can a sum of money sufficient to supply said deficiencies, within the terms of the Constitution; and the money so borrowed shall be used for the purpose specified and for no other.

Approved December 21, 1897.

FOR REPAIRS OF CAPITOL.

No. 88.

Preamble.
C.S.

Whereas, Certain repairing upon the capitol building is necessary to the protection and preservation of the same, and two thousand dollars is necessary to pay for said repairs,

Appropriation to repair capitol.

Therefore, be it resolved by the House of Representatives, the Senate concurring, That the Governor be, and he is hereby, authorized to draw his warrant upon the Treasurer of the State for the sum of two thousand dollars, or so much thereof as may be necessary, to be paid out of the public building fund, to be expended by the proper authorities:

1st. In repairing and replacing tin roofing where necessary over the capitol building.

2d. In relaying the tiling upon the flooring where necessary.

Approved December 21, 1897.

To Pay Balance for Publication of Code of 1895.—Republication of Georgia Reports.

TO PAY BALANCE FOR PUBLICATION OF CODE OF 1895.

No. 89.

Be it resolved by the House of Representatives, the Senate concurring, That the sum of twelve hundred and seventy-five (\$1,275) dollars be appropriated for the payment of balance due for the publication of the Code of 1895, the said amount to be paid on the warrant of the Governor.

Appropriation to pay balance for Code of 1895.

Approved Decembr 21, 1897.

REPUBLICATION OF GEORGIA REPORTS.

No. 94.

A Resolution.

Whereas, The 84th, 85th, 86th and 87th Georgia Reports are so nearly reduced to the number at which they are required to be republished by law as to necessitate their republication; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the sum of eight hundred dollars be appropriated for the republication of two hundred copies each of said reports, and the Governor is authorized to draw his warrant for said sum in payment for such service.

Appropriation to reprint Supreme Court reports.

Approved December 21, 1897.

To Pay for Transcribing Record Book.—To Pay Committees and Chaplains Visiting Convicts.

TO PAY FOR TRANSCRIBING RECORD BOOK IN OFFICE OF
SECRETARY OF STATE.

No. 91.

Appropriation for
H. W.
Thomas.

Resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the Governor be, and he is, hereby authorized to draw his warrant on the State treasury in favor of H. W. Thomas, of Atlanta, Georgia, for the sum of two hundred and five 88-100 dollars (\$205.88) for transcribing record book in the office of Secretary of State, containing all the lands granted in the counties of original Fayette, Henry, and Monroe, drawn in the lottery of 1821, by direction of Hon. Philip Cook, late Secretary of State.

Approved December 21, 1897.

TO PAY COMMITTEES AND CHAPLAINS VISITING CONVICTS.

No. 97.

A resolution to appropriate the sum of two thousand dollars, or so much thereof as may be necessary, from the proceeds of the hire of convicts, to pay the expenses of committees of citizens and grand jurors visiting the penitentiary convict camps, and to pay the chaplains to convicts the amounts due them under the law for services in preaching to the convicts of this State.

Preamble. Whereas, The amount set apart from the hire of penitentiary convicts to defray the expenses of visiting committees of citizens and grand jurors, and for pay of chaplains to penitentiary convicts, has been exhausted, and there are many unpaid accounts; and,

Whereas, no funds to pay these accounts will be available under the present appropriation laws until July, 1898; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the sum of two thousand dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated and set apart from the proceeds of the hire of penitentiary convicts, to pay the accounts for per diem of committees appointed under existing law to visit and inspect the various penitentiary camps, and to pay the approved accounts of the several chaplains to penitentiary convicts throughout the State, now due and to become due between

Appropriation to
pay committees and
chaplains
visiting
convicts.

To Pay Deficit of State Agricultural Department.—Salary of Commissioner of Pensions.

the time when the fund heretofore set apart for this purpose was exhausted and July 1, 1898.

And the Governor is hereby authorized to draw his warrants in favor of said committees and said chaplains whenever these accounts are presented to him properly audited and approved as required by law. Warrant
of Gov-
ernor.

Approved December 21, 1897.

TO PAY DEFICIT OF STATE AGRICULTURAL DEPARTMENT.

No. 70.

Whereas, at the last session, 1896, of the General Assembly, Preamble the Commissioner of Agriculture of Georgia was authorized and directed by a resolution passed by said General Assembly and approved February 4, 1896, to use the sum of two thousand dollars of the annual appropriation for the State Agricultural Department to make an exhibit at the Tennessee Centennial Exposition at Nashville, Tennessee; and

Whereas, said resolution provided that the said sum would be supplied at the present session of the General Assembly if any deficit should occur in said annual appropriation; and,

Whereas, said annual appropriation is now exhausted and there are no funds in the hands of said commissioner to meet the present demands upon said department; be it therefore

Resolved by the House of Representatives, the Senate concurring, That the sum of two thousand dollars be, and the same is, hereby appropriated to supply said deficit, and the Governor is hereby authorized and directed to draw his warrant upon the treasury for said sum, payable out of any funds not otherwise appropriated. Appropriation to pay
deficit of
State Agri-
cultural
Depart-
ment.

Approved December 16, 1897.

SALARY OF COMMISSIONER OF PENSIONS.

No. 77.

Resolved by the House of Representatives, the Senate concurring, That the sum of eighty-seven dollars and twenty-six cents be, and the same is, hereby appropriated to pay the salary of Richard Appropriation to pay
Commissioner of
pensions.

To Pay for the Surveys and Maps of Western & Atlantic Railroad.

Johnson, Commissioner of Pensions, from the 15th December, 1896, to the 31st of December, 1896, inclusive.

And that the Governor is hereby authorized to draw his warrant on the treasurer of the State for said sum.

Approved December 21, 1897.

Warrant
of Gov-
ernor.

TO PAY FOR THE SURVEYS AND MAPS OF WESTERN AND
ATLANTIC RAILROAD.

No. 80.

A resolution appropriating the sum of \$341.68 to D. Lee Wardroper, and the sum of \$270.54 to Thomas P. Stanley, for services rendered the State in making official surveys of the Western and Atlantic Railroad and preparing official maps or plats thereof.

Preamble. Whereas, The General Assembly by an Act approved December 16th, 1895, provided for the making of official surveys of the Western and Atlantic Railroad, and for the preparation and filing of maps thereof; and,

Whereas, Pursuant to said Act, D. Lee Wardroper, C. E., and Thomas P. Stanley, C. E., were appointed by the Governor as official engineers to make such survey and prepare such maps, and have completed said work in an entirely satisfactory manner; and,

Whereas, There remains due said official engineers the sum of \$612.22 for professional services rendered the State in making said surveys and preparing said maps; be it therefore

Resolved by the House of Representatives, the Senate concurring, That the sum of \$612.22 be, and the same is, hereby appropriated for the payment of said official engineers, that is to say to D. Lee Wardroper the sum of \$341.68 and to Thomas P. Stanley the sum of \$270.54, for which sums so appropriated the Governor is hereby authorized to issue his warrant on the State treasurer.

Approved December 21, 1897.

Appropri-
ation to pay
for surveys
and maps
of W. & A.
R. R.

For Water Hose at Lunatic Asylum.—For Relief of G. W. Chamblee.

FOR WATER HOSE AT LUNATIC ASYLUM.

No. 95.

Whereas, In the General Appropriation Act approved December 24, 1896, the sum of \$5,000 was appropriated for the construction of a duplicate water-main at the Lunatic Asylum; and

Whereas, In the construction of the same the trustees expended only the sum of \$4,086; and,

Whereas, In the late fire at the lunatic asylum a large quantity of the hose used in conducting the water through the asylum grounds and buildings was destroyed; and,

Whereas, It is necessary to procure new hose for the convenience and the protection of the asylum; be it therefore

Resolved by the General Assembly of Georgia, That the balance of said appropriation of said \$5,000, to wit, \$914, be applied by the board of trustees of the asylum in purchasing such hose as may be necessary.

Be it further resolved, That said amount of \$914 be drawn from the treasury in the manner prescribed by said approved Act.

Approved December 21, 1897.

FOR RELIEF OF G. W. CHAMBLEE.

No. 54.

Whereas, G. W. Chamblee, as the proprietor of a government distillery in Cherokee county, was required to pay a special tax of one hundred dollars in the year 1894, in Cherokee county, after having already paid the same in Floyd county; and,

Whereas, Said G. W. Chamblee sold no whiskey or other intoxicating liquors in Cherokee county during said year, but only shipped said liquor to his own business in the county of Floyd, and paid said tax under protest, and was compelled thereto rather than be placed at greater loss; and,

Whereas, Thereby said G. W. Chamblee was required to pay said tax twice, one hundred dollars in Floyd county and one hundred dollars in Cherokee county; therefore,

Be it resolved by the General Assembly of Georgia, and it is hereby resolved by authority of the same, That said one hundred dollars paid in the county of Cherokee be refunded to said G. W.

For Relief of Mrs. Joseph Cohen.—For Relief of J. L. Horn, Sheriff of Webster County.

Chamblee, and the Governor of this State is hereby authorized to draw his warrant on the treasurer in favor of said G. W. Chamblee for said amount.

Approved December 3, 1897.

FOR RELIEF OF MRS. JOSEPH COHEN.

No. 96.

A resolution appropriating the sum of \$30.00 for the widow of Joseph Cohen, a Confederate veteran of the county of Troup.

Preamble. Whereas, Joseph Cohen, a Confederate veteran residing in Troup county, Georgia, made application for a pension in March, 1897, under the Act of 1895, and died at his home in May, 1897; and,

Whereas, The commissioner of pensions approved his application and forwarded to J. B. Strong, ordinary of Troup county, a check for \$30.00, and owing to the fact that the pensioner, Joseph Cohen, was dead, the ordinary was instructed by the commissioner of pensions to return the check to be covered into the State treasury; and,

Whereas, These facts having been certified to by the ordinary of Troup county as being correct, and these facts being verified by the records of the commissioner of pensions; and,

Whereas, The widow of said Joseph Cohen now being very poor, diseased and in a dependent condition, therefore be it

Pension of Mrs. Joseph Cohen. Resolved by the House, the Senate concurring, That the Governor of this State be authorized and directed to draw his warrant upon the treasurer for the amount of \$30.00 for the benefit of the widow of Joseph Cohen in settlement of said claim.

Approved December 21, 1897.

FOR RELIEF OF J. L. HORN, SHERIFF OF WEBSTER COUNTY.

No. 72.

Preamble. Whereas, J. L. Horn, sheriff of Webster county; was instructed by the proper authorities to levy a tax execution in favor of the State of Georgia and county of Webster *vs.* Columbus Southern

For Relief of D. B. Leonard.

Railway Company, which said railway company was in the hands of a receiver, and the said J. L. Horn, sheriff, in order to enforce the collection of said tax *fi. fa.*, levied the same upon a mail train, and impounded the said train, and for said act the said J. L. Horn, sheriff, was arrested by authorities of the United States court, and charged with obstructing the mails; and,

Whereas, The said J. L. Horn defended himself from such charge, and expended the sum of sixty dollars (\$60.00) as expenses; and,

Whereas, The said J. L. Horn by his efforts succeeded in collecting tax due said State and county from said railroad to the amount of twelve hundred dollars (\$1200.00); therefore be it

Resolved by the General Assembly, That the county commissioners of Webster county be and are hereby authorized and empowered to pay to the said J. L. Horn the amount of actual expenses incurred by him on account of said action in performing his official duty to collect the said tax due the State and county as aforesaid of the said Columbus Railway Company.

Appropriation to pay expenses incurred by Sheriff of Webster county in collecting tax.

Approved December 20, 1897.

FOR RELIEF OF D. B. LEONARD.

No. 86.

A resolution to refund the amounts, less taxes and cost, received by the State of Georgia from D. B. Leonard, the purchaser of certain wild lands in the State of Georgia under tax executions illegally issued by the tax collector of Dooly county, Georgia.

Whereas, Under and by virtue of executions issued by J. H. Woodward, tax collector of Dooly county, Georgia, against lots of land numbers 157 and 159, in the 6th land district of Dooly county, Georgia, for wild land taxes due by said lots of land for their taxes for the year 1885, the same being wild and unreturned lands, the said lands were by the sheriff of said county advertised for sale and were publicly exposed for sale at and before the court house door of said county, when the said lot 157 was knocked off to D. B. Leonard for the sum of fifty-one dollars (\$51.00), and the said lot 159 was likewise sold to D. B. Leonard for the sum of one hundred and five dollars (\$105.00), he being the highest and best bidder; and,

Preamble.

 For Relief of Amanda Thornton.

Whereas, The said Leonard paid into the hands of R. Kellam, the sheriff of said county, the said sums of money and took from said sheriff deeds to said property; and,

Whereas, By a decision of the supreme court of this State the said executions and deeds have been declared null and void, and the said sales set aside, without any fault whatever of said Leonard, and solely on the ground that said executions were illegally issued and said Leonard has thereby been deprived of the said lands; and,

Whereas, Said Leonard has never received any benefit whatever under said sales; and,

Whereas, The State has received its taxes and costs as well as the balance of the purchase money remaining after the payment of said taxes and costs, the same amounting to the sum of \$142.63; therefore be it

Appropriation to
D. B.
Leonard.

Resolved by the General Assembly of Georgia, That the Governor of said State be and he is hereby authorized to draw his warrant on the State treasurer in favor of the said D. B. Leonard, the purchaser of said lands, for the sum of one hundred and forty-two dollars and sixty-three cents, the same being the surplus arising from said sales after the payment of the taxes and costs due thereon, and being the amounts now remaining in the State treasury arising from said sales, and cause the same to be transmitted to the said D. B. Leonard.

Approved December 21, 1897.

 FOR RELIEF OF AMANDA THORNTON.

No. 78.

A resolution to appropriate the sum of sixty dollars to pay the pension of Amanda Thornton, the widow of a Confederate soldier, for the year 1896.

Preamble. Whereas, Amanda Thornton, the widow of E. C. Thornton, a Confederate soldier, was properly enrolled upon the pension list and drew a pension for the year 1893, 1894, 1895 and 1897, and duly filed with the ordinary of Coweta county, as required by law, her application for a pension for the year 1896, which was duly approved;

Whereas, The ordinary of said county with whom the same was filed died before forwarding said application to the State pension

For Relief of Eddie Goddard.—For Relief of Nick King.

commissioner, whereby a lapse occurred and said applicant failed to receive her pension for said year 1896; therefore,

Resolved by the House of Representatives, the Senate concurring, That the sum of sixty dollars be, and the same is, hereby appropriated to pay the pension claim of Amanda Thornton for the year 1896, and the Governor is authorized to draw his warrant on the treasurer for said sum out of any money in the treasury not otherwise appropriated, payable to said Amanda Thornton.

Appropriation to pay pension of Amanda Thornton.

Approved December 21, 1897.

FOR RELIEF OF EDDIE GODDARD.

No. 73.

Whereas, Eddie Goddard is a minor and mute, and on account of this affliction is unable to receive an education in the public schools of this State; and, Preamble.

Whereas, The Deaf and Dumb Institute is a public institution of this State, where children of such affliction are taught, but provision only is made for minors being both deaf and dumb; therefore be it

Resolved by the Senate, the House of Representatives concurring, That the authorities of said Deaf and Dumb Institute, at Cave Springs, be, and the same are, hereby authorized to admit said Eddie Goddard in said institute.

Admission of Eddie Goddard to Deaf and Dumb Institute.

Approved December 21, 1897.

FOR RELIEF OF NICK KING.

No. 61.

Whereas, McIntosh county has at present no inmate in the academy for the blind at Macon, Georgia, and, Preamble.

Whereas, There is in McIntosh county an indigent blind boy, Nick King, who has resided in said State and county all of his life, who is nineteen years of age, who has attended said academy for the blind, but has not attained a sufficient education, or sufficient proficiency in a trade to enable him to gain a livelihood; and,

Whereas, McIntosh has no suitable place provided to properly care for said Nick King; and,

Per Diem of Penitentiary Committee.

Whereas, Said Nick King is now rooming in the common jail of the county; and,

Whereas, Said Nick King could, by admission into said academy for another term of four years, be enabled to provide for himself; therefore be it

Return
of Nick
King to
Academy
for the
Blind.

Resolved by the House of Representatives, the Senate concurring, That the Governor request the trustees of the academy of the blind at Macon, Georgia, to receive said Nick King into said academy for another term of four years, and said trustees be authorized and required to so receive said Nick King for such term.

Approved December 11, 1897.

PER DIEM OF PENITENTIARY COMMITTEE.

Appropriation to pay
per diem of
Penitentiary Com-
mittee.

Be it resolved by the House of Representatives, the Senate concurring, That an appropriation be made to compensate the members of the penitentiary committee at the usual per diem for their services while the General Assembly was not in session, and to compensate its clerk, stenographer, sergeant-at-arms and porter at the usual per diem; *provided*, that nothing in this resolution shall be construed to mean that the clerk of said committee and its sergeant-at-arms and its stenographer shall receive more than four dollars per day and its porter more than two dollars per day, said accounts to be duly audited by the chairman of said committee and the warrant to be drawn upon the funds in the hands of the treasurer not otherwise appropriated. Be it further

Warrant
of Gov-
ernor.

Resolved, That the Governor be, and he is, hereby authorized to draw his warrant on the treasurer of this State for the sum of two thousand dollars, or so much thereof as may be necessary to pay the per diem of said committee, clerk, stenographer, sergeant-at-arms and porter.

Approved December 15, 1897.

Per Diem of Committee on State University.—Per Diem for Elevator Boy.

PER DIEM OF COMMITTEE ON STATE UNIVERSITY.

No. 65.

A resolution appropriating the sum of two hundred and eighty dollars, or so much thereof as may be necessary, to pay the per diem and expenses of the joint committee of the House and Senate, appointed under the provisions of a resolution approved December 22d, 1896, to confer with the president of the board of trustees of the State University, and two of the members of said board to ascertain the amounts received by the State University from the Federal government, to investigate and determine if this money is being properly applied, etc.

Resolved by the House, the Senate concurring, That the sum of two hundred and eighty dollars, or so much thereof as may be necessary to pay the per diem and expenses, including actual traveling expenses and stenographer hire, of the joint committee of the House and Senate appointed under the provisions of a resolution approved December 22nd, 1896, to confer with the president of the board of trustees of the State University, and two other members of said board to ascertain the amounts received by the State University from the Federal government, to investigate and determine if this money is being properly applied, etc.

Resolved further, That the Governor is hereby authorized to draw his warrant for said sum, or so much thereof as may be necessary, whenever itemized statements of such per diem and expenses are submitted to him, approved by the chairman of said committee, and audited by the comptroller-general.

Approved December 15, 1897.

PER DIEM FOR ELEVATOR BOY.

No. 67.

A resolution appropriating the sum of \$150 to pay the elevator boy at the capitol his per diem for the present session.

Resolved by the House, the Senate concurring, That the sum of \$150 be, and the same is, hereby appropriated to pay the elevator boy for services during the present session, and the treasurer is

 Per Diem and Expenses of Investigating Committees.

hereby authorized to pay said sums out of any money in the treasury not otherwise appropriated.

Approved December 16, 1897.

 PER DIEM AND EXPENSES OF INVESTIGATING COMMITTEES.

No. 87.

A resolution appropriating the sum of \$1,800, or so much thereof as may be necessary, to pay the per diem and expenses of the special committee appointed under a resolution of the House, adopted February 3rd, 1897, and to provide for an appropriation of \$200, or so much thereof as may be necessary, to defray the actual expenses and pay the per diem of the special military committee appointed under a resolution of the House and Senate to visit the military encampments of the State during the year 1897.

Appropriation to pay investigating committee.

Section 1. Be it resolved by the House, the Senate concurring, That the sum of \$1,800.00 be, and the same is, hereby appropriated to pay the per diem and expenses, including the clerk and porter, of the special committee of five from the House, appointed under the provisions of a resolution of the House adopted February 3rd, 1897, to investigate the different departments of the State government and State institutions.

Per diem and expenses.

Sec. 2. Resolved further, That the members of said committee shall receive the sum of \$4.00 per day for each day actually engaged in such work and for each day in going to and returning from homes while engaged in such work, together with the actual expenses incurred by them in visiting the various institutions of the State, and that the expenses of the investigation by said committee, such as clerk and stenographer hire, salary for porter, shall also be paid out of said sum; *provided*, that this appropriation shall only be paid out on itemized statements, approved by the chairman of said committee and audited by the comptroller general, and the Governor is authorized to draw his warrant on the treasurer for the same whenever such statements so approved and audited are presented.

To pay Special Military Committee.

Sec. 3. Resolved further, That the sum of \$200.00, or so much thereof as may be necessary, be and it is hereby appropriated to defray the actual expenses and pay the per diem, at the rate of \$4.00

Per Diem of Hon. Joseph H. Polhill and Hon. James Stapleton.

for each day's service, of the members of the special military committee who were appointed under a resolution of the House and Senate during the last session of the present legislature to visit the military encampment of the State held during the year 1897.

Sec. 4. Resolved further, That said expense and per diem of the committee shall only be paid after an itemized statement of the amount claimed shall be approved by the chairman of said committee and audited by one of the auditing committee of either the House or Senate. Per diem and expenses.

Sec. 5. Resolved further, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 21, 1897.

PER DIEM OF HON. JOSEPH H. POLHILL AND HON. JAMES STAPLETON.

No. 68.

Whereas, A resolution has been adopted by the House of Representatives declaring Hon. Joseph H. Polhill and Hon. James Stapleton, of the county of Jefferson, to be the legally elected representatives of said county of Jefferson; and, Preamble.

Whereas, The Hon. Joseph H. Polhill and the Hon. James Stapleton have drawn no per diem nor mileage for the last session, nor for the present session; therefore, be it

Resolved by the House, the Senate concurring, That the Hon. Joseph H. Polhill and the Hon. James Stapleton be paid the per diem and mileage for the full term for which they were elected. Appropriation to pay per diem of Messrs. Polhill and Stapleton.

Approved December 16, 1897.

To Pay Porters of House and Senate.—To Pay Clerks of Legislature for Special Services.

TO PAY PORTERS OF HOUSE AND SENATE.

No. 69.

A resolution to appropriate fifty dollars to pay David Heard, an extra porter in the House, and one hundred dollars (\$100.00), for one extra porter for the Senate for fifty days during the session of 1897.

Be it resolved by the House, the Senate concurring, That the sum of fifty dollars is hereby appropriated to pay David Heard, a porter in the House, for twenty-five days' service, and one hundred dollars (\$100) for an extra porter in the Senate for fifty days' service performed at the present session, and the Governor is hereby authorized to draw his warrant upon the Treasury for said amount.

Approved December 16, 1897.

TO PAY CLERKS OF LEGISLATURE FOR SPECIAL SERVICES.

No. 75.

Resolved by the House of Representatives, the Senate concurring, That the sum of seventy-five dollars be paid to Mark A. Hardin, clerk of the House of Representatives, and the sum of fifty dollars be paid to Charles S. Northen, assistant secretary of the Senate, for preparing and mailing to each member of the General Assembly an abstract of all business pending before the General Assembly at the time of adjournment, December, 1896, as per resolution of the General Assembly approved December 24th, 1896; and the further sum of sixty dollars is hereby appropriated to pay J. Troup Taylor for making indexes for the Senate and House Journals for the adjourned term of 1896, in February, 1897.

Approved December 21, 1897.

To Pay Expenses of Committee on Contested Elections.—To Pay Assistant Doorkeepers.

TO PAY EXPENSES OF COMMITTEE ON CONTESTED ELECTIONS.

No. 79.

Whereas, Certain expense has been incurred by the committee Preamble.
 from the House who were appointed to take certain testimony in
 Clay county in the contested election case of W. P. Killingsworth
 against A. L. Foster, to wit: the sum of two dollars, for printing
 subpoenas, and the additional sum of fifteen dollars for services of
 the sheriff and bailiff for serving subpoenas and summoning wit-
 nesses in said case; therefore, be it

Resolved by the House, the Senate concurring, That the sum of Appropri-
 seventeen dollars be, and the same is, hereby appropriated to pay ation to pay
 said expenses, and the Governor is authorized to draw his warrant expenses of
 on the treasury for the payment of the same, said sum to be paid committee
 out of any funds now in the treasury not heretofore appropriated. on con-
tested elec-
tions.

Approved December 21, 1897.

TO PAY ASSISTANT DOORKEEPERS OF SENATE AND HOUSE.

No. 81.

A resolution providing for the payment of the assistant door-
 keeper of the House, provided for under the resolution of the
 House, adopted November 4th, 1897. Also for the payment of
 a doorkeeper for the rear door of the messengers' room in the
 Senate for twenty-five days of the present session, at \$4.00 per
 day, under a resolution of the Senate adopted November 24,
 1897.

Whereas, Said doorkeepers were appointed and have been and Preamble.
 are serving as such, therefore, be it

Resolved by the House of Representatives, the Senate con- Appropri-
 ccurring, That the treasurer be and he is hereby authorized to pay ation to
 a doorkeeper in the House, and side doorkeeper in the Senate, the assistant
 usual compensation of \$4.00 per day out of any money in the doorkeep-
 Treasury not otherwise appropriated. ers of Sen-
ate and
House.

Resolved further, That all laws and parts of laws in conflict with
 the same be, and they are, hereby repealed.

Approved December 21, 1897.

Committee to Investigate State Treasury.—December 12th, 1897, *Dies Non*.

COMMITTEE TO INVESTIGATE STATE TREASURY.

No. 84.

Preamble. Whereas, It is made the duty of the joint finance committees of the Senate and House of each General Assembly to investigate the office of the State Treasurer; and,

Whereas, The Senate and House have, at the present session, by a joint resolution, ordered that such work be done; and,

Whereas, The joint finance committees of the Senate and House have constituted a sub-committee to do such work; and,

Whereas, It is ascertained that said work cannot be properly done before the adjournment of the present session; therefore, be it

Resolved, That such sub-committee of the joint finance committees of the Senate and House be instructed to proceed with such work and report the result thereof to his excellency the Governor, who is hereby requested to transmit such report to the next session of the General Assembly.

Approved December 21, 1897.

DECEMBER 12TH, 1897, *DIES NON*.

No. 63.

Recess of Legislature on Dec. 12. Resolved by the House, the Senate concurring, That when the General Assembly adjourns to-day it take a recess until 9 o'clock on Monday the 13th, and that the 12th inst. be declared a *dies non*, and that no per diem be charged for that day.

Approved December 11, 1897.

 Unfinished Business of Legislature.

UNFINISHED BUSINESS OF LEGISLATURE.

No. 101.

Resolved by the Senate, the House of Representatives concurring, That the president of the Senate and the speaker of the House of Representatives, the secretary of the Senate and the clerk of the house of representatives, be, and they are, hereby authorized to remain at the capitol five days after the adjournment of the General Assembly for the purpose of affixing their official signatures to all bills and resolutions passed previous to said adjournment, and they be allowed their per diem for said time.

Officers
and committees of
Legislature
authorized
to complete
unfinished
business.

Resolved further, That the chairman respectively of the enrolling and auditing committees of the Senate and House, together with any three members of each of said committees, to be designated by the chairman thereof, be and they are hereby authorized to remain at the capitol for five days after the adjournment of the General Assembly, for the purpose of bringing up the unfinished business of the session, and that they be allowed their per diem for said time.

Resolved further, That the postmistress may remain at the capitol not exceeding five days at the usual compensation for the purpose of forwarding the legislative mail.

Approved December 21, 1897.

TREASURER'S REPORT.

ABSTRACT

R. U. Hardeman, Treas'r. in Account with State of Georgia,

DR.

To balance in Treasury October 1, 1896.....		\$ 466,922 08
To amount received from General Tax.....	41,094 98	
To amount received from Poll Tax.....	1,445 67	
To amount received from Tax on Artists.....	100 30	
To amount received from Tax on Billiards.....	202 50	
To amount received from Tax on Liquors.....	4,357 00	
To amount received from Insurance Fees.....	316 80	
To amount received from Insurance Agents.....	140 00	
To amount received from Oil Fees.....	1,069 32	
To amount received from Interest on Deposits.....	629 08	
To amount received from Tax on Sewing Machine Agents.....	25 00	
To amount received from Insolvent General Tax.....	18,419 79	
To amount received from Pistol Tax.....	427 50	
To amount received from Show Tax.....	117 00	
To amount received from Hire Convicts.....	5,548 29	
To amount received from Fees Inspections Fertilizers.....	416 66	
To amount received from Interest on <i>A. Jas</i>	675 85	
To amount received from Tax on Games.....	67 50	
To amount received from Tax on Auctioneers.....	90 00	
To amount received from Tax on Telephone Companies.....	1,171 50	
To amount received from Tax on Lightning Rod Agents.....	45 00	
To amount received from Costs on <i>A. Jas</i>	1 00	
To amount received from Special Nostrums.....	45 00	
To amount received from Tax on Pawnbrokers.....	206 00	
To amount received from Sale Georgia Reports.....	35,001 00	
To amount received from Rent Western & Atlantic Railroad.....	838 78	
To amount received from Tax on Telegraph Companies.....	15 25	
To amount received from Money Refunded.....	511 50	
To amount received from Dividends on Stocks.....	4,650 00	
To amount received from Rental N. E. R. R.....		117,778 27
		581,696 35

TREASURER'S REPORT.

627

A.

from October 1, 1896, to November 2, 1896, both inclusive.

CR.

By amount Ex. warrants on account Civil Establishment.....	\$ 26,190 79	
By amount Ex. warrants on account Contingent Fund	8,010 11	
By amount Ex. warrants on account Geological Fund	1,674 24	
By amount Ex. warrants on account School Fund.....	1,364 28	
By amount Ex. warrants on account Fertilizer Fund.....	1,333 32	
By amount Ex. warrants on account Library Fund.....	351 60	
By amount Ex. warrants on account Penitentiary Fund	1,581 94	
By amount Ex. warrants on account Solicitors-General Fund.....	840 00	
By amount Ex. warrants on account Military Fund	124 35	
By amount Ex. warrants on account Public Debt	198,754 45	
By amount Ex. warrants on account Public Building Fund	1,346 66	
By amount Ex. warrants on account Printing Fund—R. R. Com.....	66 24	
By amount Ex. warrants on account Printing Fund	139 80	
By amount Ex. warrants on account Ins. Public Buildings Fund.....	552 33	
By amount Ex. warrants on account Fund Codifying Laws.....	100 00	
By amount Ex. warrants on account Fund Lunatic Asylum	38,333 32	
By amount Ex. warrants on account Fund W. & A. R. R. Survey.....	67 73	
By amount Ex. warrants on account Fund University of Georgia.....	14,600 00	
By amount Ex. warrants on account Fund Dept. Agriculture.....	2,500 00	
By amount Ex. warrants on account Stenographer Attorney Gen'l....	150 00	
By amount Ex. warrants on account Special Attorney W. & A. R. R....	500 00	
By amount Ex. warrants on account Colored University	2,000 00	
By amount Ex. warrants on account School for Deaf.....	5,000 00	
By amount Ex. warrants on account Penitentiary Fund—Sp'cl Acc't.	300 00—	301,071 14
By amount in Treasury November 2, 1896, and received for by W. J. Speer, Treasurer.....		283,625 21

\$ 584,696 35

ABSTRACT

W. J. Speer, Treasurer, in Account with State of Georgia,

DR.		
Balance in Treasury November 3, 1896		\$ 283,625 21
From Artists' Tax	1,307 09	
From Auctioneers' Tax	540 00	
From Billiard Tax	5,987 00	
From Cots on <i>fl. fas.</i>	14 50	
From Dividends from Stocks	2,084 50	
From Earnings Northeastern R. R.	15,441 84	
From Fees Inspection Fertilizers	22,686 62	
From Fees from Building and Loan Associations	990 00	
From General Tax	1,612,393 61	
From Hire of Convicts	26,005 84	
From Insurance Fees	12 046 00	
From Interest from Banks	10,948 00	
From Insolvent General Tax	9,595 27	
From Insolvent Poll Tax	5,249 40	
From Insurance Tax	52,211 95	
From Interest on <i>fl. fas.</i>	4,541 15	
From Liquor Tax	119,225 71	
From Lightning Rod Tax	315 00	
From Lease Oyster Lands	35 00	
From Money Refunded	662 00	
From Oil Fees	10,969 91	
From Office Fees	2,664 95	
From Pistol Dealers' Tax	5,546 55	
From Penalties against Lessees	2,150 00	
From Poll Tax	282,469 85	
From Railroad Tax	214,165 78	
From Rental W. & A. R. R.	383,011 00	
From Rental Northeastern R. R.	4,650 00	
From Rental Public Buildings	25 94	
From Rental Indian Springs	146 67	
From Show Tax	4,561 00	
From Sale Georgia Reports	3 129 00	
From Sale of Codes	3 075 50	
From Sale of Acts	183 30	
From Sale of Property W. & A. R. R.	270 08	
From Supreme Court Costs	5 276 16	
From Tax on Agencies	450 00	
From Tax on Brewing Companies	1,268 00	
From Tax on Boat Peddlers	45 00	
From Tax on Clock Peddlers	45 00	
From Tax on Cold Storage	1,140 00	
From Tax on Express Companies	3,590 30	
From Tax on Futures Dealers	4,500 00	
From Tax on Games	337 50	
From Tax on Insurance Agents	7,970 00	
From Tax on Loan Agents	99 00	
From Tax on Pawn Brokers	1,080 00	
From Tax on Patent Sellers	9 00	
From Tax on Sewing Machine Agents	865 00	
From Tax on Sewing Machine Companies	1,200 00	
From Tax on Sleeping Car Companies	583 57	
From Tax on Special Nostrums	1,631 25	
From Tax on Specialists	145 00	
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		\$ 2,815,615 62

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from November 3, 1896, to September 30, 1897, both inclusive.

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Account of Widows' Pensions, 1896.....	300 00
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SUPERIOR COURT CALENDAR.

For 1898.

ALBANY CIRCUIT.

W. N. Spence, Camilla, Ga., Judge; W. E. Wooten, Albany, Ga., Solicitor-General.

Mitchell—Third and fourth Mondays in March and fourth Monday in November.

Dougherty—First, second and third Mondays in April and October.

Worth—Fourth Monday in April and October.

Baker—First Monday in May and November.

Decatur—Second and third Mondays in May and November.

Calhoun—Second Monday in June and December.

ATLANTA CIRCUIT.

J. H. Lumpkin, Atlanta, Ga., Judge; C. D. Hill, Atlanta, Ga., Solicitor-General.

Fulton—First Monday in March and September.

AUGUSTA CIRCUIT.

E. H. Calloway, Waynesboro, Ga., Judge; W. H. Davis, Waynesboro, Ga., Solicitor-General.

McDuffie—First Monday in March and September.

Columbia—Fourth Monday in March and September.

Richmond—Third Monday in April and October.

Burke—First and second Monday in April and October.

BLUE RIDGE CIRCUIT.

George F. Gober, Marietta, Ga., Judge; Thos. Hutcherson, Canton, Ga., Solicitor-General.

Milton—First Monday in February and third Monday in August.

Forsyth—Third Monday in February and fourth Monday in August.

Cherokee—Fourth Monday in February and second Monday in September.

Cobb—Second and third Mondays in March and third and fourth Mondays in November.

Pickens—Fourth Monday in April and September.

Gilmer—Third Monday in May and second Monday in October.

Fannin—Fourth Monday in May and third Monday in October.

BRUNSWICK CIRCUIT.

J. L. Sweat, Waycross, Ga., Judge; John W. Bennett, Jesup, Ga., Solicitor-General.

Appling—First Monday in March, and third Monday in September.

Camden—Tuesday after the first Monday in March and first Monday in October.

Coffee—Fourth Monday in March and second Monday in October.

Charlton—Tuesday after the first Monday in April and Tuesday after fourth Monday in October.

Clinch—Second Monday in April and third Monday in October.

Ware—Third and fourth Mondays in April, and first and second Mondays in November.

Pierce—First Monday in May and third Monday in November.

Wayne—Second Monday in May and fourth Monday in November.

Glynn—Commencing third Monday in May and first Monday in December, to continue as long as the business may require.

CHATTAHOOCHEE CIRCUIT.

W. B. Butt, Columbus, Ga., Judge; S. Price Gilbert, Columbus, Ga.,
Solicitor-General.

Talbot—Second Monday in March and September.

Chattahoochee—Fourth Monday in March and September.

Taylor—First Monday in April and October.

Harris—Second Monday in April and October.

Marion—Fourth Monday in April and October.

Muscogee—Second Monday in May and November.

CHEROKEE CIRCUIT.

A. W. Fite, Cartersville, Ga., Judge; Sam. P. Maddox, Dalton, Ga., Solicitor-
General.

Bartow—Second Monday in January and July.

Catoosa—Second Monday in February and August.

Murray—Third Monday in February and August.

Gordon—Fourth Monday in February and August.

Dade—Third Monday in March and September.

Whitfield—First Monday in April and October.

COWETA CIRCUIT.

S. W. Harris, Carrollton, Ga., Judge; T. A. Atkinson, Greenville, Ga.,
Solicitor-General.

Meriwether—Third Monday in February and August.

Coweta—First Monday in March and September.

Fayette—Third Monday in March and September.

Heard—Fourth Monday in March and September.

Carroll—First Monday in April and October.

Troup—First Monday in May and November.

EASTERN CIRCUIT.

Robert Falligant, Savannah, Ga., Judge; W. W. Osborne, Savannah, Ga.,
Solicitor-General.

Chatham—First Monday in March, June and December.

Bryan—First Monday in May and November.

Effingham—Second Monday in May and November.

Liberty—Third Monday in May and November.

McIntosh—Fourth Monday in May and November.

NOTE.—After January 1st, 1899, the Eastern Circuit will comprise Chat-ham county only, and from same date Bryan, Effingham, Liberty and Mc-Intosh counties will constitute the Atlantic Circuit, under an act approved December 20, 1897.

FLINT CIRCUIT.

Marcus W. Beck, Jackson, Ga., Judge; O. H. B. Bloodworth, Forsyth, Ga.,
Solicitor-General.

Spalding—Third Monday in January and first Monday in August.

Monroe—First Monday in February and fourth Monday in August.

Butts—Third Monday in February and third Monday in August.

Pike—First and second Mondays in April and first and second Mondays
in October.

Henry—Third Monday in April and October.

MACON CIRCUIT.

W. H. Felton, Jr., Macon, Ga., Judge; Robert Hodges, Macon, Ga.,
Solicitor-General.

Crawford—Third Monday in March and October.

Houston—First Monday in April and October.

Bibb—Third Monday in April and first Monday in November, and con-
tinues as long as necessary.

MIDDLE CIRCUIT.

Roger L. Gamble, Jr., Louisville, Ga., Judge; B. T. Rawlings, Sandersville,
Ga., Solicitor-General.

Washington—First Monday in March and September.

Johnson—Third Monday in March and September.

Tattnall—Second Monday in April and October.

Emanuel—Third Monday in April and October.

Bulloch—Fourth Monday in April and October.

Jefferson—Second Monday in May and November.

Screven—Third Monday in May and November.

NORTHEASTERN CIRCUIT.

J. J. Kimsey, Cleveland, Ga., Judge; Howard Thompson, Gainesville, Ga.,
Solicitor-General.

Hall—Third Monday in January and July.

Rabun—Fourth Monday in February and August.

Habersham—First Monday in March and September.

Dawson—Second Monday in February and first Monday in August.

Towns—Fourth Monday in March and September.

Union—First Monday in April and October.

White—Second Monday in April and October.

Lumpkin—Third Monday in April and October.

NORTHERN CIRCUIT.

Seaborn Reese, Sparta, Ga., Judge; R. H. Lewis, Sparta, Ga., Solicitor-General.

Hancock—First Monday in February and August.
Glascock—Third Monday in February and August.
Taliaferro—Fourth Monday in February and August.
Madison—First Monday in March and September.
Elbert—Second Monday in March and September.
Hart—Third Monday in March and September.
Warren—First Monday in April and October.
Oglethorpe—Third Monday in April and October.
Lincoln—Fourth Monday in April and October.
Wilkes—First Monday in May and November.

OCMULGEE CIRCUIT.

John C. Hart, Union Point, Ga., Judge; H. G. Lewis, Greensboro, Ga., Solicitor-General.

Baldwin—Second Monday in January and July.
Laurens—Fourth Monday in January and July.
Greene—Second Monday in February and August.
Morgan—First Monday in March and September.
Putnam—Third Monday in March and September.
Jasper—Fourth Monday in March and September.
Wilkinson—First Monday in April and October.
Jones—Third Monday in April and October.

OCONEE CIRCUIT.

C. C. Smith, Hawkinsville, Ga., Judge; Tom Eason, McRae, Ga., Solicitor-General.

Pulaski—Second and third Mondays in February and August.
Dodge—Second Monday in March and September.
Wilcox—Fourth Monday in March and September.
Irwin—First Monday in April and November.
BRITTON—25 Ems Brevier
Twiggs—Second Monday in April and October.
Telfair—Third Monday in April and October.
Montgomery—Fourth Monday in April and second Monday in November.

PATAULA CIRCUIT.

H. C. Sheffield, Blakely, Ga., Judge; J. R. Irwin, Fort Gaines, Ga., Solicitor-General.

Quitman—Second Monday in March and September.
Clay—Third Monday in March and September.
Early—First and second Mondays in April and October.
Miller—Third Monday in April and October.
Randolph—First and second Mondays in May and November.
Terrell—Fourth Mondays in May and November, and to continue as long as necessary to finish business.

ROME CIRCUIT.

W. M. Henry, Rome, Ga., Judge; Moses Wright, Rome, Ga., Solicitor-General.

Floyd—Third Mondays in January and July, and holds four weeks; longer if necessary.

Walker—Third Monday in February and August.

Chattooga—Second Mondays in July and January.

SOUTHERN CIRCUIT.

Augustin H. Hansell, Thomasville, Ga., Judge; W. E. Thomas, Valdosta, Ga., Solicitor-General.

Echols—Tuesday after second Monday in March and Tuesday after fourth Monday in September.

Berrien—Third Monday in March and second Monday in October.

Colquitt—First Monday in April and third Monday in September.

Thomas—Third week in April and October.

Brooks—First Monday in May and November.

Lowndes—Third Monday in May and November.

SOUTHWESTERN CIRCUIT.

Z. A. Littlejohn, Cordele, Ga., Judge; Frank A. Hooper, Americus, Ga., Solicitor-General.

Lee—First Monday in March and November.

Dooly—Second and third Mondays in March and September.

Webster—First Monday in April and October.

Schley—Second Monday in April and October.

Stewart—Third and fourth Mondays in April and October.

Macon—Second and third Mondays in May and November.

Sumter—Fourth Monday in May and November, and to continue as long as necessary.

STONE MOUNTAIN CIRCUIT.

Jno. S. Candler, Atlanta, Ga., Judge; W. T. Kimsey, Jonesboro, Ga., Solicitor-General.

Campbell—First Monday in February and August.

DeKalb—Second Monday in February and August.

Clayton—First Monday in March and September.

Newton—Third Monday in March and September.

Rockdale—Second Monday in April and October.

TALLAPOOSA CIRCUIT.

Charles G. Janes, Cedartown, Ga., Judge; W. T. Roberts, Douglasville, Ga., Solicitor-General.

Paulding—Beginning on the first Monday in January and August.

Haralson—Beginning on the third Monday in January and July.

Polk—Beginning on the fourth Monday in February and August.

Douglas—Beginning on the first Monday in May and third Monday in November.

WESTERN CIRCUIT.

N. L. Hutchins, Lawrenceville, Ga., Judge; C. H. Brand, Lawrenceville, Ga., Solicitor-General.

Oconee—Fourth Monday in January and July.

Jackson—First and second Mondays in February and August.

Walton—Third Monday in February and August.

Gwinnett—First and second Mondays in March, and first Monday in September.

Banks—Third Monday in March and September.

Franklin—Fourth Monday in March and September.

Clarke—Second, third and fourth Mondays in April, and second Monday in October.

SUPREME COURT OF GEORGIA.

THOMAS J. SIMMONS.. . . . Chief Justice.
Term to January 1, 1899.

SAM'L LUMPKIN.. . . . Associate Justice.
Term to January 1, 1903.

HENRY T. LEWIS.. . . . Associate Justice.
Term to January 1, 1901.

W. A. LITTLE.. . . . Associate Justice.
Term to January 1, 1901.

A. J. COBB.. . . . Associate Justice.
Term to January 1, 1903.

W. H. FISH.. . . . Associate Justice.
Term to January 1, 1899.

Z. D. HARRISON.. . . . Clerk.

LOGAN BLECKLEY.. . . . Deputy Clerk.

GEO. W. STEVENS.. . . . Reporter.

J. M. GRAHAM.. . . . Assistant Reporter.

E. G. CABANISS,
C. L. GLESSNER,
W. M. HARPER,
W. M. HAWKES,
JAS. R. POTTLE,
W. W. VISANSKA, } Stenographers.

J. W. VAUGHN.. . . . Sheriff.

Terms begin first Monday in March and October.

